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CONFIDENTIAL.

(7161.)

PART X.

FURTHER CORRESPONDENCE

RESPECTING THE

BOUNDARY

BETWEEN THE

BRITISH POSSESSIONS IN NORTH AMERICA
AND THE TERRITORY OF ALASKA.

[For continuation of Correspondence, September 1898 to February 1899, see
Joint Commission Series.]

February to September 1898.

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CONFIDENTIAL.

Further Correspondence respecting the Boundary between the
British Possessions in North America and the Territory of
Alaska.

PART X.

No. 1.

Colonial Office to Foreign Office.—(Received February 3.)

(Confidential.)

Sir,

Downing Street, February 2, 1898.

I AM directed by Mr. Secretary Chamberlain to transmit to you, to be laid before the Marquess of Salisbury, a copy of a telegram from the Governor-General of Canada respecting the difficulties arising from the unsettled position of the Alaska boundary in connection with the routes to the gold-fields on the Klondike.

Mr. Chamberlain has informed the Governor-General, in reply, that a copy of his message has been communicated to you, and has desired him to suggest, for the consideration of his Minister, the question whether the time has not arrived when the Government of the United States should be approached with a view to a definite settlement of the Alaskan boundary to the south of Mount Elias.

I am, &c.

(Signed) FRED. GRAHAM.

Inclosure in No. 1.

The Earl of Aberdeen to Mr. Chamberlain.

(Telegraphic.)

[Undated.]

MY responsible advisers inform me that Yukon gold district can at present be reached only through United States' waters and through Skagway and Dyea, which places are and have been in possession of United States, though asserted to be in Canadian territory.

My Government have been and are sending their supplies and police through Skagway.

They consider that the furthest inland limit which the United States could possibly establish is that summit of the mountains in White Pass (which is Skagway trail) and Chilkoot Pass (which is Dyea trail).

Instructions have been sent to Canadian police and Customs officers to establish posts and collect duties at these summits. These instructions have now been repeated to Canadian officers, as my Government learned this morning that United States' officers have lately received instructions to claim jurisdiction down Lakes Lindeman and Bennet, and disputes have already occurred.

Nearly all in gold-mines are United States' citizens, so there is possibility of trouble.

The impossibility of getting to the place through Canadian territory renders difficulty of the position more acute.

My Government have fifty mounted policemen and supplies, for the present, in the passes, and more are going forward.

When disputes are made known at Washington, it is possible United States' authorities may forbid further Canadian goods or men being sent through Skagway or Dyea. My responsible advisers therefore suggest that no communication be held with United States' authorities on this subject for eight days, so as to enable the latest men and supplies to pass through unhindered.

The importance of avoiding any concession to unjust territorial claims cannot be overestimated. A large influx of United States' miners is now beginning, and difficulty of maintaining Canadian authority will be increased by questions of disputed jurisdiction. The entire boundary line is unsettled, and a concession at one point would be probably the signal for similar unfounded claims along the whole boundary line.

No. 2.

Colonial Office to Foreign Office.—(Received February 3.)

(Secret.)

Sir,

Downing Street, February 3, 1898.

I AM directed by Mr. Secretary Chamberlain to transmit to you, to be laid before the Marquess of Salisbury, copies of two telegrams from the Governor-General of Canada respecting an application by the United States' Government for permission for an armed force to pass through Canadian territory to Circle City in connection with the relief expedition.

In view of the understanding arrived at between the United States' Secretary for War and the Canadian Minister of the Interior, the application appears to Mr. Chamberlain to require strong grounds to justify it.

At the same time, as any Canadian force for the mining district on the Klondike and Yukon must pass through United States' territory, and permission for such passage has hitherto been freely given, it is necessary to avoid any action which would afford the United States' Government a pretext for refusing passage to further Canadian force, if it should be found necessary to send reinforcements to the mounted police already there in the event of serious disturbance.

Mr. Chamberlain proposes, if Lord Salisbury concurs, to telegraph to the Governor-General in the terms of the accompanying draft, and he would suggest that Her Majesty's Ambassador at Washington should be instructed to ascertain confidentially what United States force of police or military there is at present at Circle City, and whether an increase is urgently required, and that he should also ascertain officially on what grounds application has been made for the passage of an armed force contrary to the understanding arrived at by the United States' Government with the Canadian Minister of Interior.

I am, &c.

(Signed) EDWARD WINGFIELD.

Inclosure 1 in No. 2.

The Earl of Aberdeen to Mr. Chamberlain.

(Telegraphic.)

[Undated.]

ASSISTANT-SECRETARY MEIKLEJOHN, on behalf of United States' Government, has requested my Government to permit armed United States' force in charge of relief supplies being forwarded by United States' Government, to pass Canadian territory to Circle City, Alaska.

This request is directly contrary to an ~~unofficial~~ understanding my Minister of the Interior came to with United States' Secretary for War lately at Washington, viz., Canadian Government should furnish escort for expedition after it reached summit of pass, beyond which point no United States' armed force should proceed, although certain United States' officers mentioned in a letter to Assistant-Secretary from my Minister of the Interior, dated 27th January, might accompany expedition.

My responsible advisers are anxious there should be no misunderstanding on this point, and suggest that immediate representation should be made to Washington authorities

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that arrangement come to must be observed, and that armed United States' force cannot accompany the supply expedition beyond provisional boundary-line at the summit of the pass.

The guard agreed upon to escort expedition through Canadian territory has already been provided by my Government.

Inclosure 2 in No. 2.

Mr. Chamberlain to the Earl of Aberdeen.

(Telegraphic.)

[Undated.]

YOUR telegram of 2nd instant.

On what grounds is application made for passage of armed force to Circle City? Have your Ministers reason to believe that United States' force now there is sufficient to maintain law and order, and protect relief expedition beyond Canadian border?

If not, and force for which passage desired is not larger than necessary for these purposes, it would be difficult to justify refusal, Canadian force having already passed through United States' territory, and further application, may have to be made by your Ministers in the near future.

Meantime Ambassador at Washington will be instructed to ask for explanations.

Inclosure 3 in No. 2.

The Earl of Aberdeen to Mr. Chamberlain.

(Private and Confidential.)

[Undated.]

(Telegraphic.)

THE message which accompanies this is one which my Premier has asked me to send with urgency to Her Majesty's Ambassador at Washington, but I consider it proper to send it to you, though telegraphing copy to Her Majesty's Ambassador at Washington for his information and saying I have telegraphed you.

There seems to be ground for some anxiety as to risk of disturbance, though, fortunately, not yet known to press here.

No. 3.

The Marquess of Salisbury to Sir J. Pauncefote.

(No. 6.)

Foreign Office, February 3, 1898.

(Telegraphic.) P.

ASCERTAIN officially, with reference to the telegram from the Governor-General of Canada of the 2nd February, which he has repeated to you, on what grounds application has been made, contrary to the understanding arrived at by the United States' Government with Canadian Minister of the Interior, for the passage of an armed force through Canadian territory.

Endeavour also to ascertain confidentially what American force of military or police is at present at Circle City, and whether there is any urgent need for its increase.

No. 4.

Foreign Office to Colonial Office.

(Secret.)

Foreign Office, February 4, 1898.

Sir,

I LAID before the Marquess of Salisbury your letter of the 3rd instant respecting the application of the United States' Government for permission for an armed force to pass through Canadian territory to Circle city in connection with the expedition for the relief of the miners in the Yukon districts; and I am to state that his Lordship concurs in the terms of the telegram which Mr. Secretary Chamberlain proposes to send to the Governor-General of Canada on the subject.

Her Majesty's Ambassador at Washington was yesterday instructed by telegraph, in accordance with the suggestion made in your letter, to ascertain officially on what grounds this application was made by the United States' Government, in view of the understanding arrived at with the Canadian Minister of the Interior on the subject.

Sir J. Pauncefote was further desired to endeavour to ascertain confidentially what American force of police or military is at present at Circle city, and whether an increase is urgently required.

I am, &c.
(Signed) F. H. VILLIERS.

No. 5.

Colonial Office to Foreign Office.—(Received February 7.)

(Confidential.)

Sir,

Downing Street, February 5, 1898.

WITH reference to your letter of the 4th instant respecting the application of the United States' Government for permission to send an armed escort through Canadian territory with the relief expedition for Circle City, I am directed by Mr. Secretary Chamberlain to transmit to you, to be laid before the Marquess of Salisbury, a copy of a further telegram from the Governor-General of Canada on the subject.

Mr. Chamberlain entirely concurs in the view of the Dominion Government that the United States' escort while in Canadian territory should be subject to the same regulations as are imposed on detachments of the Canadian mounted police while passing through United States' territory.

Mr. Chamberlain gathers that the Dominion Government do not consider that any escort is necessary for the expedition between the Canadian frontier and Circle City, though apparently they are not prepared to object to a small escort passing through Canadian territory under proper restrictions.

I am to suggest, therefore, for Lord Salisbury's consideration, that the substance of Lord Aberdeen's telegram should be communicated to Sir J. Pauncefote, and that he should be instructed, if he finds that the United States' Government is disposed to press their application, to insist that the escort shall be limited to a small number to be fixed by arrangement with the Dominion Government, and that during the whole time it is in British territory it shall conform to the same regulations as to arms and dress as are imposed on Canadian mounted police passing through United States' territory.

I am, &c.
(Signed) EDWARD WINGFIELD.

Inclosure in No. 5.

The Earl of Aberdeen to Mr. Chamberlain.

(Telegraphic.)

[Undated.]

SUPPLEMENTING my telegram of the 2nd February, on the question of permitting an armed force from United States accompany their relief expedition to Klondyke region.

My responsible advisers make a marked distinction between granting permission for an escort to accompany expedition simply passing from one part of United States to another through Canadian territory and an escort which my Government contend is really intended to distribute supplies while within Canadian territory the majority of mines being around Dawson. They contend, therefore, no necessity for any such escort exists. My Government being quite prepared to furnish all necessary police protection to such a one, but it could not delegate that duty to a foreign Government.

My Government suggest that similar regulations to those governing passage of detachments of Canadian mounted police through United States' territory, should apply to passage of enlisted men passing over Canadian boundary line with United States' relief expedition.

It is understood that these Regulations provide that arms should not be carried but transported as part of baggage equipment and that civil dress should be worn.

My responsible advisers desire that in communicating the position they have taken it will be made clear that instructions have been already given to the officers of Canadian Government to co-operate in every possible way, and that they fully appreciate the desire of United States' Government to afford relief to distressed persons.

No. 6.

The Marquess of Salisbury to Sir J. Pauncefote.

(No. 7.)

(Telegraphic.) P.

Foreign Office, February 7, 1898.

KLONDYKE Relief Expedition.

My telegram No 6, of 3rd February.

A telegram has been received from the Governor-General stating that a marked distinction is made by the Canadian Government between granting permission for an escort to accompany expedition simply passing through Canadian territory from one part of United States' territory to another, and an escort which is really intended, according to their contention, to distribute supplies while within Canadian territory since the majority of the mines are around Dawson.

For such an escort, they contend, there is no necessity as they are fully prepared to furnish all necessary police protection, and could not delegate that duty to a foreign Government.

Should you find that United States' Government are disposed to press their application, insist upon the limitation of the escort to a small number to be fixed by arrangement with the Dominion Government and that it shall conform, during the whole time it is in British territory, to the same Regulations as are imposed on Canadian mounted police passing through United States' territory with regard to arms and dress.

It is understood that these Regulations provide that civil dress should be worn and that arms should not be carried, but transported as part of baggage.

Canadian Government, however, wish it made clear that instructions have been given.

No. 7.

Foreign Office to Colonial Office.

(Confidential.)

Sir,

Foreign Office, February 9, 1898.

I AM directed by the Marquess of Salisbury to inform you that a copy of your letter of the 2nd instant will be forwarded to Her Majesty's Ambassador at Washington, but that no further action will be taken in regard to the routes to the Klondyke goldfields pending the receipt of a reply from the Governor-General of Canada to Mr. Secretary Chamberlain's proposal, that the United States' Government should be approached with regard to a settlement of the Alaskan boundary south of Mount Elias.

I am, &c.

(Signed) F. H. VILLIERS.

No. 8.

The Marquess of Salisbury to Sir J. Pauncefote

(No. 3. Commercial.)

(Telegraphic.) P.

Foreign Office, February 10, 1898.

ALASKA Customs.

Is it possible to send a telegraphic reply to despatch No. 70, Commercial?

I must, however, refer you to the XXVth Article of the Treaty of Washington, 1871.

No. 9.

Colonial Office to Foreign Office.—(Received February 11.)

(Confidential.)

Sir,

Downing Street, February 11, 1898.

WITH reference to the letter from this Department of the 5th instant respecting the relief expedition to Klondyke, I am directed by Mr. Secretary Chamberlain to transmit to you, to be laid before the Marquess of Salisbury, a copy of a further telegram from the Governor-General of Canada on the subject of the application of the United States' Government for permission to send an armed escort with the expedition.

Mr. Chamberlain would suggest that the substance of this message should be communicated to Her Majesty's Ambassador at Washington with reference to the instructions already sent him on the 7th instant.

I am, &c.

(Signed) H. BERTRAM COX.

Inclosure in No. 9.

The Earl of Aberdeen to Mr. Chamberlain.

(Telegraphic.)

YOUR telegram of 3rd February.

February 9, 1898.

My responsible advisers are quite willing that United States' troops destined for places in Alaska beyond 141st meridian, and considered by United States' Government as necessary for protection of United States' expedition whilst in United States' territory should pass through Canadian territory under Regulations similar to those governing passage through United States' territory of North West Mounted Police. These provide that the men shall not be under arms, and that arms and munitions of war go through Canadian territory as baggage.

A police escort for the United States' expedition through Canadian territory will be gladly furnished by my Government. Instructions to furnish such an escort and to facilitate and aid expedition in every possible way have been forwarded to Canadian Government officers.

No. 10.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received February 11.)

(No. 6.)

(Telegraphic.) P.

Washington, February 11, 1898.

I HAVE as yet received no reply from the United States' Government to the subject referred to in your Lordship's telegram No. 6, on receipt of which I addressed a note to the United States' Government, making the inquiry directed.

I have called twice at the State Department to learn the cause of delay, and have been informed that the War Department, in whose hands the matter rests, have been urged to expedite the answer. Mr. Sherman agreed to the reasonableness of the objection raised by the Canadian Government to an armed American force passing through Canadian territory, and I hardly think there will be any objection to the transportation of the arms and accoutrements as baggage.

I learn privately from the Assistant Secretary for War, that the United States' force, consisting of fifty-five soldiers, objected to by the Canadian Government, is required as an escort after leaving Canadian territory to join the other branch of the expedition, as there is only one officer, Captain Ray, at Circle City, with five or six policemen.

I informed the Secretary of State yesterday that the Canadian Government have given instructions to their officers to facilitate in every way the expedition, the object of which they thoroughly appreciate.

No. 11.

Sir J. Pouncefote to the Marquess of Salisbury.—(Received February 12.)

(No. 6. Commercial.)

(Telegraphic.) P.

Washington, February 12, 1898.

IN answer to your Lordship's telegram No. 5, Commercial, I have the honour to state that there is no such Law. Article XXVI of the Treaty of 1871 secures to British shipping the right of navigation of the Yukon. This privilege is not extended under general most-favoured-nation clause to vessels of other nations. It is subject to the United States' Regulations referred to in my telegram No. 3, Commercial. Copies of these Regulations were sent yesterday by mail.

No. 12.

The Marquess of Salisbury to Sir J. Pouncefote.

(No. 9.)

(Telegraphic.) P.

Foreign Office, February 12, 1898.

KLONDYKE Relief Expedition: My telegram No. 7 of 7th February.

The Canadian Government are stated, in a further letter from Colonial Office, to be quite willing that United States' troops considered necessary for protection of United States' expedition whilst in United States' territory, and destined for places in Alaska beyond 141st meridian, should pass through Canadian territory under regulations similar to those governing passage of Canadian mounted police through United States' territory, viz., that arms and munitions of war go through Canadian territory as baggage, and that the men shall not be under arms.

A police escort for the United States' expedition through Canadian territory will be gladly furnished.

Canadian Government officers have received instructions to provide such an escort, and to facilitate and aid expedition in every possible way.

No. 13.

The Marquess of Salisbury to Sir J. Pouncefote.

(No. 5. Commercial.)

(Telegraphic.) P.

Foreign Office, February 12, 1898.

WITH reference to your telegram No. 3, Commercial, of the 11th instant, can you inform me whether any law exists by which English built vessels are prohibited from ascending the Yukon River.

No. 14.

Sir J. Pouncefote to the Marquess of Salisbury.—(Received February 14.)

(No. 3. Commercial.)

(Telegraphic.) P.

Washington, February 14, 1898.

I HAVE the honour to report, in answer to your Lordship's telegram No. 3, Commercial, that, after entry at Customs port, a cargo may be forwarded without payment of duty, either (a) in charge of a Customs officer, the importer being obliged to pay the cost of his transport and maintenance; or (b) on a bond being filed by the importers showing satisfactory securities, the bond being equal to the charges and duties on the cargo.

Any articles carried by passengers are exempt from duty if they are in use, and consist of personal effects and wearing apparel. Copies of the Regulations issued on the 2nd February will be sent by mail to-morrow.

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No. 15.

Colonial Office to Foreign Office.—(Received February 16.)

Sir,

Downing Street, February 15, 1898.

I AM directed by Mr. Secretary Chamberlain to transmit to you, for the information of the Marquess of Salisbury, a paraphrase of a telegram from the Governor-General of Canada respecting his inquiry through Her Majesty's Ambassador at Washington as to the Regulations regarding the navigation of the Stikkeen River.

I am, &c.

(Signed) H. BERTRAM COX.

Inclosure in No. 15.

The Earl of Aberdeen to Mr. Chamberlain.

(Telegraphic.) P.

[Undated.]

FOR your information. My Government feel it most desirable, in view of large traffic which may be expected on Stikkeen River, that a definite decision should be made as soon as possible on Regulations respecting navigation of that river. I telegraphed to Her Majesty's Ambassador at Washington to inquire whether Stikkeen would come under the Regulations relative to navigation under Treaty of Porcupine and Yukon Rivers. He replies that in framing Regulations the case of Stikkeen was reserved, and the Treasury Department are not prepared to state that Regulations respecting navigation of Porcupine and Yukon Rivers shall apply to Stikkeen River. Early decision will be pressed for by Ambassador.

No. 16.

Question asked in the House of Commons, February 17, 1898.

Mr. James Roche.—To ask the Under-Secretary of State for Foreign Affairs whether, when the territory of Alaska was purchased from Russia by the United States, the rights and obligations under all Treaties existing at that time and having reference to that country also passed under such sale:

Whether, under the Treaty of 1844, entered into between Her Majesty's Government and Russia, the harbour of Fort Wrangel and the inlet to the Stikkeen River was constituted a free port as far as concerned the trade of Great Britain and her Colonies:

And, whether the United States' Government now propose to establish an excise supervision over that port and levy therein their tariff on all foreign merchandize, as well as a poll tax on all passengers passing through to the north-west territories of Canada, although neither merchandize nor passengers are consigned to any portion of United States' territory.

Answer.

IN the Treaty of March 1867, between Russia and the United States, by which Alaska was ceded to the latter Power, certain Articles of the Treaty of 1825 between Great Britain and Russia with regard to the geographical limits of the ceded territory were recited, and Her Majesty's Government are advised that the United States are bound thereby, but that this is not the case so far as the rest of the Treaty is concerned.

There is no Treaty between this country and Russia of 1844. By Article XXVI of the Treaty of Washington of 1871 it is provided that the navigation of the Rivers Yukon, Porcupine, and Stikkeen shall be free and open for the purposes of commerce to British subjects and to citizens of the United States, subject to any laws and

regulations of either country within its own territory not inconsistent with such privilege of free navigation.

Inquiries are being made by Her Majesty's Ambassador at Washington as to the regulations applicable to the navigation of the Stikkeen River.

No. 17.

Colonial Office to Foreign Office.—(Received February 18.)

(Confidential.)

Sir,

Downing Street, February 18, 1898.

WITH reference to your letter of the 9th instant, I am directed by Mr. Secretary Chamberlain to transmit to you, to be laid before the Marquess of Salisbury, a copy of a telegram from the Governor-General of Canada, suggesting that the question of the southern boundary of Alaska should be referred to arbitration.

As Lord Salisbury is aware, the joint survey of this part of the boundary, which was made under Article I of the Convention of the 22nd July, 1892, was completed at the end of 1895, and copies of the Report of the Survey Commission were inclosed in the letter from this Department of the 28th March, 1896.

The Convention provided, in the last paragraph of Article I, that "as soon as practicable after the Report or Reports of the Commissions shall have been received," the parties "will proceed to consider and establish the boundary-line in question."

It appears to Mr. Chamberlain that in present circumstances it would be hopeless to expect that an agreement on the question could be reached by discussion, and he is of opinion that its reference to such a tribunal as that proposed is the most likely to insure an early decision which would be accepted by both Parties.

He would suggest, therefore, for Lord Salisbury's consideration, that Her Majesty's Ambassador at Washington should be instructed to propose to the United States' Government that the determination of the boundary-line in accordance with the spirit and intent of the Treaty of 1825 should at once be referred to three Commissioners: one appointed by the United States, one by Her Majesty's Government, and the third by an independent Power, and that, as the interpretation of the Treaty involves questions of international law, Her Majesty's Government would suggest that the Commissioners should be jurists of high standing.

I am, &c.

(Signed) H. BERTRAM COX.

Inclosure in No. 17.

The Earl of Aberdeen to Mr. Chamberlain.

(Telegraphic.)

[Undated.]

YOUR telegram of the 2nd February.

My responsible advisers agree it is now time to approach United States' Government with a view to settlement of boundary south of Mount Saint Elias along coast.

My Government suggest, subject, of course, to modification, appointment of three Commissioners of recognized legal standing, to be named: one by United States, one by Great Britain, and third by independent Power. France would be satisfactory to Canadian Government.

No. 18.

Question asked in the House of Commons, February 1898.

Sir Ellis Ashmead-Bartlett.—To ask the Under-Secretary of State for Foreign Affairs whether Her Majesty's Government are taking steps to secure the final delimitation of the frontier between Canada and Alaska.

Answer.

The question of the Alaskan boundary has been dealt with in two sections, viz.: (1) from Mount Elias northward to the Arctic Ocean; and (2) from Mount Elias southward along the strip of coast to the terminal point fixed by the Treaty with Russia of 1825.

As regards (1), a Convention was signed at Washington on the 31st January, 1897, for the location of certain points along the 141st meridian which forms the boundary there, and providing for the junction of the points so located by joint surveys.

This work is now in progress.

As regards (2), the Boundary Commission, acting under the Convention of the 22nd July, 1892, presented a Joint Report on the 31st December, 1895, but the maps attached to the Report, on which the topographical results of the survey were embodied, have not yet been received, and up to the present no arrangement for the determination of the true boundary has been effected.

The matter is now engaging the attention of Her Majesty's Government.

No. 19.

The Marquess of Salisbury to Sir J. Pauncefote.

(No. 11.)

(Telegraphic.) P.

Foreign Office, February 18, 1898, 3 P.M.

HER Majesty's Government are afraid that the road to Yukon may lead to very serious embarrassments, since a portion of it is auriferous, and may plausibly be claimed by both Powers.

Pray ascertain whether United States' Government would feel disposed to refer to arbitration this portion of the frontier. Without arbitration there will be a dangerous conflict of jurisdiction. Procedure might be so arranged as to be tolerably rapid.

No. 20.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received February 19.)

(No. 22. Commercial.)

My Lord,

Washington, February 11, 1898.

IN reply to the inquiries contained in your Lordship's despatch No. 70, Commercial, of the 28th December, 1897, I have the honour to transmit herewith copies of the Regulations issued by the Treasury Department on the 2nd instant concerning the transportation of merchandize through Alaska to Canadian territory, and the navigation of the Yukon and Porcupine Rivers, to which reference is made in my telegram No. 3, Commercial, of yesterday's date.

These Regulations will be found on pp. 161 to 167 of the inclosed volume.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 20.

Regulations governing the Entry and Transportation of Merchandize destined for the Klondike Region and North-west Territory of British Columbia, via the United States' Sub-ports of Juneau, Dyea, and Skagway, or other Customs Ports in Alaska.

[Circular No. 23.]

*Treasury Department, Office of the Secretary,
Washington, D.C., February 2, 1898.*

To Collectors of Customs and others interested:

The following Regulations are published for the information and guidance of all concerned:—

1. Imported merchandize arriving at Juneau, Dyea, and Skagway or any other

Customs port in Alaska, for transportation to the Klondike region, unless immediately entered under warehouse, transportation, and exportation entry, will be taken possession of by the Chief Customs officer at the port and stored at the expense of the owners.

2. Such merchandize may, after proper entry has been made, proceed under warehouse, transportation, and exportation entry, without payment of duty, in charge of a Customs officer, the cost of whose transportation and maintenance must be paid by the importer, or upon the filing of a bond by the importer with satisfactory securities, for its due exportation; said bond to be in amount equal to the duties and charges on the goods and to be cancelled upon proper evidence of exportation. Whenever the owner shall prefer to deposit with the Deputy Collector an amount of money equal to the duties and Customs charges on the goods, the filing of a bond may be waived, and such deposit will be refunded by the Deputy Collector receiving it, as hereinafter provided; but in view of the prohibition of the landing of intoxicating liquors within the Territory of Alaska, any package containing such spirits intended for immediate exportation shall be transported in custody and under the supervision of a Customs officer as above provided.

3. A manifest and duplicate copy of the entry containing a description of the merchandize, with the numbers and marks of the packages, shall be presented to the Collector at the sub-port at which entry is made, and said manifest and entry, after being duly certified, shall accompany the merchandize on its route through United States' territory, and shall be delivered with the duplicate copy of the entry to the Deputy Collector at the frontier for verification by comparison with the merchandize covered thereby.

4. A Deputy Collector shall be stationed at the frontier line on the route used for such transportation, and it shall be his duty to identify the merchandize by comparison with the description thereof contained in the entry and certified manifest.

5. If the merchandize corresponds with the description and shall pass into British territory, the Deputy Collector at the frontier shall so certify in the manifest, which shall then be transmitted by him to the Collector at the port of entry, and he shall also give the owner a certificate stating that the conditions of the bond have been fulfilled, or, if the duty shall have been deposited with the Collector at the port of entry, the Deputy Collector shall furnish the owner with a certificate of exportation, which certificate, duly indorsed by the owner, shall, whenever presented to the Deputy Collector by whom the deposit was received, be accepted by him as full authority for the refund of the amount due on such deposit, and such refund shall be paid by him to the original owner, or to the person designated by the owner's indorsement on the certificate.

6. If any of the merchandize included in the manifest shall have been consumed or abandoned on the route or shall otherwise fail to appear at the frontier, duty shall be collected on the same by the Deputy Collector at the frontier, before he shall furnish a voucher for the cancellation of the bond; if the duty shall have been deposited at the port of entry, the Deputy Collector shall deduct the duty on the missing goods from the amount so deposited, and shall give his voucher for the balance remaining due to the owner of the goods.

7. All imported animals or merchandize abandoned or sold on the route through United States' territory shall be seized by the Customs officers and forfeited to the Government unless duty shall be paid thereon.

8. Whenever the Collector at the port of entry shall receive from the deputy at the frontier a report that the conditions of any bond have been fulfilled, he shall cancel such bond, and whenever he shall receive the certified statement of exportation above provided for and a voucher for the duty remaining due to the owner, he shall pay over such duties, or so much of the same as shall have been found due, to the owner of the goods or the person duly designated by the indorsement of the owner.

9. The Customs officers at the port affected by these Regulations are hereby authorized to require, whenever they shall deem it expedient to do so, the landing under Customs supervision of all imported goods at such wharf or warehouse as shall be duly designated by them, there to be held in Customs custody until the issuance of permit for their removal.

10. All articles carried by passengers on the above routes, which are in use, and which consist of wearing apparel and personal effects necessary for the present comfort and convenience of such passengers, are exempt from duty.

11. Any person engaged in an attempt to evade the United States' Revenue Laws under these Regulations will be arrested, and on conviction will be subject to the extreme penalty of the law in such cases provided, and any merchandize introduced into the United States in violation of the Revenue Laws will be confiscated by the Government.

12. For the information of persons interested, the following copy of the Regula-

tions issued by the Commissioner of Customs of the Dominion Government is published herewith:—

Regulations issued by the Commissioner of Customs, Dominion of Canada.

Regulations for carrying goods of the United States and other foreign goods in transit through Canada, from Juneau, Alaska, to Circle City or other points in Alaska, United States, via Chilkoot or White Pass.

1. Imported goods in transit, as above described, shall be reported at the Canadian custom-house, Lake Tagish, and may be entered for exportation there on the usual form, "in transitu," in duplicate.

2. The goods may then be delivered without payment of duty to be carried to their destination out of Canada by any transportation Company which duly executed a bond in the form prescribed by the Minister of Customs, for the due and faithful delivery of all packages carried by such Company and for the general compliance with the Customs Laws and Regulations governing such traffic.

A duplicate of the "entry in transitu," duly signed and marked with the proper Customs stamp, shall accompany each shipment of goods conveyed by a bonded carrier, so that the same may be returned to the custom-house at Fort Cudahy, with a certificate thereon as to the landing of the goods in the United States or of their being passed outward from Canada within six months from date of entry.

3. If the goods when entered "in transitu" for exportation are not delivered to be forwarded by a bonded carrier, as provided in the last preceding section, the duty thereon is to be deposited with the Customs officer at Lake Tagish, subject to a refund of same at the port of Fort Cudahy when the goods pass outward thereat, or upon the certificate of an officer of the United States or of the Canadian Customs that the said goods have been landed in the United States within six months from the date of the "in transitu" entry.

The duty deposited in such case is to be indorsed on the entry and certified by the Customs officer in charge, and the duplicate of the entry, duly certified and marked with the Customs stamp, is to be delivered to the person making the deposit of duty.

4. A report of each "entry in transitu" shall be forwarded by mail without delay by the Customs officer at the sending port to the Collector of Customs at Fort Cudahy, for the collection of duties on the goods entered "in transitu" and not duly exported.

5. The articles usually classed as travellers' baggage are to be passed free without entry.

(Signed) JOHN McDUGALD, *Commissioner of Customs.*

Ottawa, December 17, 1897.

N.B.—The foregoing Regulation also applies to goods in transit as above via Stikkeen River and Dalton Trail.

(Signed) JOHN McDUGALD, *Commissioner of Customs.*

January 8, 1898.

The Canadian Regulation in regard to travellers' baggage is as follows:—

Wearing apparel, articles of personal adornment, toilet articles, and similar personal effects of persons arriving in Canada may be passed free without entry at Customs, as travellers' baggage, under the provisions of the Customs Tariff, but this provision shall only include such articles as actually accompany and are in the use of and are necessary and appropriate for the wear and use of such persons for the immediate purpose of the journey and present comfort and convenience, and shall not be held to apply to merchandize or articles intended for other persons or for sale.

(Signed) L. J. GAGE, *Secretary.*

Navigation of the Yukon and Porcupine Rivers and their Tributaries.

[Circular No. 24.]

*Treasury Department, Office of the Secretary,
Washington, D.C., February 2, 1898.*

To Collectors of Customs and others:—

The attention of Collectors of Customs and others is directed to the following Regulations concerning the navigation of the Yukon and Porcupine Rivers and their tributaries:—

(A.)—Transfer of Cargoes and Passengers at St. Michael.

1. (a) The transfer of cargo or passengers from a seagoing vessel from any port in the United States (except another port or place in Alaska) or from any foreign port to a vessel destined by way of the mouth of the Yukon River to any port or place on the Yukon or Porcupine rivers or their tributaries, and (b) the transfer of cargo or passengers from a river vessel, destined by way of the mouth of the Yukon River from any port or place on the Yukon or Porcupine Rivers or their tributaries to any American port or place (except to another port or place in Alaska) or any foreign port, shall be permitted only at the port of St. Michael under the supervision of officers of the Customs.

2. Officers of the Customs at St. Michael, when they deem it necessary, shall board any vessel bound to the United States within 4 leagues of the coast of the United States for the purpose of demanding its manifest and enforcing the Laws and Regulations of the United States.

3. Vessels entitled by law to engage in the coasting trade of the United States may proceed from one port or place in Alaska to another port in Alaska in the manner prescribed by law for the entry and clearance of vessels within the same Customs district.

(B.)—Entry and Clearance at St. Michael.

American Vessels.

1. Any vessel entitled by law to engage in the coasting trade of the United States, in ballast, or with passengers, or cargo, or both, that are destined from a port or place in the United States (elsewhere than in Alaska), or from a foreign port for any port or place on the Yukon or Porcupine Rivers, or their tributaries, shall enter at St. Michael in the manner prescribed by law.

Such vessel may then (a) proceed to her place of destination; or (b) transfer her cargo and passengers, if destined for a port or place in Alaska, to another American vessel, which may proceed according to laws governing the entry and clearance of vessels in the same Customs districts; or (c) transfer her cargo and passengers, if destined to a port or place in British Columbia, to an American or British vessel, which shall clear from St. Michael in the manner provided by law.

Foreign Vessels.

2. Any foreign vessel, in ballast, or with passengers or cargo, or both, that are destined from a foreign port or place to a port or place on the Yukon or Porcupine Rivers or their tributaries, shall enter at St. Michael in the manner prescribed by the law.

A British vessel may then (a) proceed to her place of destination; or (b) transfer her cargo and passengers, if destined to a port or place in Alaska, to an American vessel which may proceed according to the laws governing the entry and clearance of vessels in the same Customs district; or (c) transfer her cargo or passengers, if destined to a port or place in British Columbia, to an American or British vessel, which shall clear from St. Michael in the manner prescribed by law.

3. Article XXVI of the Treaty of 1871 between the United States and Great Britain, so far as applicable to the Yukon, Porcupine, and Stikine Rivers provide—

The navigation of the Rivers Yukon, Porcupine, and Stikine, ascending and descending,
[1075]

from, to, and into the sea, shall forever remain free and open for the purposes of commerce to the subjects of Her Britannic Majesty and to the citizens of the United States, subject to any Laws and Regulations of either country within its own territory not inconsistent with such privilege of free navigation.

This Article creates a reserved privilege for a reciprocal equivalent, and the general favoured-nation clause of Treaties, which cover only gratuitous favours, does not, therefore, apply. The navigation privileges reserved by Article XXVI of the Treaty to American citizens and British subjects are not extended to the citizens and vessels of other nations.

(C).—*Arrival of Vessels at Circle City from Ports or Places in British Columbia.*

1. A vessel descending the Yukon or Porcupine Rivers from ports or places in British Columbia, in ballast, or with cargo, or passengers, or both, shall come to at Circle City, or such other port near the boundary between Alaska and British Columbia as may hereafter be designated, and shall there report in compliance with the provisions of section 2772 of the Revised Statutes.

American Vessels.

2. A vessel, entitled by law to engage in the coasting trade of the United States, may then (a) proceed on her voyage in compliance with the laws governing the coasting trade of the United States; or (b) enter at St. Michael and there transfer her cargo and passengers, if destined to a port or place in the United States, to an American vessel, as transfers are provided for in section A of these Regulations; or (c) enter at St. Michael and there transfer her cargo and passengers, if destined to a foreign port or place, to an American or foreign vessel.

British Vessels.

3. A British vessel may then enter at St. Michael and there transfer her cargo and passengers, as such transfers are provided for in section A of these Regulations; (a) if destined to an American port to an American vessel; or (b) if destined to a foreign port, to an American or foreign vessel.

(D).—*Supervision of Vessels ascending and descending the Yukon, Porcupine, or their Tributaries.*

The Collector of Customs of Alaska, under the direction of the Secretary of the Treasury, shall from time to time station Deputy Collectors and Inspectors of Customs at such places on the Yukon and Porcupine Rivers and their tributaries as he may deem necessary for the enforcement of the laws of the United States. Such officers shall be compensated at rates to be fixed by the Secretary of the Treasury.

(E).—*Privileges.*

British vessels plying on the Yukon or Porcupine Rivers or their tributaries between St. Michael and ports and places in British Columbia may touch at places in Alaska on the Yukon or Porcupine Rivers or their tributaries for the purchase of fuel or supplies, or in distress, under the supervision of an officer of the Customs.

Said officer of the Customs may, in his discretion, issue permits for the temporary landing of passengers, but if any passenger fails to return to a vessel before her departure the vessel shall become liable to the penalty prescribed by the law.

No merchandize shall be landed at such places under penalty of forfeiture provided by Revised Statutes 4347, as amended by the Act of the 15th February, 1893.

No intoxicating liquor shall be sold or used on such vessel at such places under the penalties prescribed by Revised Statutes 1955 and section 14 of chapter 53 of the Laws of 1884.

(Signed) L. J. GAGE, Secretary.

No. 21.

Sir J. Pouncefote to the Marquess of Salisbury.—(Received February 19.)

(No. 32.)

My Lord,

Washington, February 11, 1898.

I HAVE the honour to transmit to your Lordship herewith copy of the note which, as stated in my telegram No. 5 of to-day's date I addressed to the United States' Government, making the inquiries directed in your Lordship's telegram No 6, as to the grounds on which the United States' authorities desired permission for the passage of an armed force through Canadian territory in charge of relief supplies for the Klondike.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 21.

Sir J. Pouncefote to Mr. Sherman.

Sir,

Washington, February 4, 1898.

I HAVE the honour to inform you that I am in receipt of a telegram from the Marquess of Salisbury, instructing me to ascertain on what grounds application has been made by the United States' Government to that of the Dominion of Canada, to permit the passage of an armed United States' force in charge of relief supplies through Canadian territory to Circle City, Alaska.

The request, I am informed, is contrary to the unofficial understanding which was arrived at recently between the United States' Secretary for War and the Canadian Minister of the Interior, which provided that the Dominion Government should furnish escort for the expedition after reaching the summit of the pass, beyond which point no United States' armed force should proceed.

The guard agreed upon to escort the expedition through Canadian territory has been already provided by the Dominion Government.

In bringing the above to your notice, I have the honour to request you to be good enough to furnish me with the information, as signified above, which is desired by Her Majesty's Government.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 22.

Sir J. Pouncefote to the Marquess of Salisbury.—(Received February 19.)

(No. 7.)

(Telegraphic.) P.

Washington, February 19, 1898.

WITH reference to your Lordship's telegram No. 11, as to the projected road to Yukon, I learn from the Chairman of the Senate Committee on Foreign Relations, that the Senate will at once take up and approve the Convention signed on the 31st January, 1897, by Mr. Olney and myself, which provides for the delimitation of the line of the 141st meridian (see my despatch No. 5 of the 6th January, 1897).

As the time allowed for the exchange of Ratifications has expired, an amendment will be introduced providing for an extension. The settlement of the difficulty referred to by your Lordship in relation to the road to the Yukon will probably be thereby facilitated. I await further instructions before taking action on your Lordship's telegram above mentioned.

No. 23.

Colonial Office to Foreign Office.—(Received February 21.)

(Confidential.)

Sir,

Downing Street, February 21, 1898.

WITH reference to the letter from this Department of the 18th instant respecting the Alaska boundary question, I am directed by Mr. Secretary Chamberlain to explain, for the information of the Marquess of Salisbury, that the part of the boundary which more immediately calls for settlement is that along the strip of coast* defined by Articles III and IV of the Treaty between Great Britain and Russia of the 28th February, 1825.

Except during the short season while the navigation of the Yukon is open, access to the mines on the Upper Yukon in Canadian territory can only be gained by passing through this strip.

At present, as Lord Salisbury is aware, the United States maintain that the mountain boundary defined by Article III of the Treaty is impossible, as they allege that there is no such range of mountains as is therein referred to, and they claim that it should be fixed in accordance with Article IV, section 2, by a line drawn as far as practicable at a distance of 10 leagues (30 miles) from the coast.

The Canadian Government, on the other hand, maintain that, though the mountains do not form a continuous well-defined range such as is mentioned in the Treaty, the summits where there are mountains close to the coast should be taken and joined up by a line drawn in accordance with Article IV not further than 10 leagues from the coast.

It appears to Mr. Chamberlain that it is hopeless to expect that an agreement on this question could be reached diplomatically, and the matter is urgent not only from the difficulty of locating the customs frontier at the head of the inlets, but also from the fact that the whole of the strip is believed to be auriferous, and that prospectors are already at work in many parts of it.

The fact that at Juneau, at the entrance of the Lynn Canal, the Alaska Treadwell Mining Company has been already mining for some years, shows that it is by no means improbable that gold may be found in a portion of the strip claimed by both parties, and if a Commission, such as was suggested in the letter from this Department of the 18th instant, was constituted, it could at once proceed to define the frontier at the head of the Lynn Canal and on the Stickeen River, and then proceed with the delimitation of the rest of the strip, taking first the creeks and rivers in the beds of which gold is most likely to be found.

If before it has concluded its labours gold should be found in any part of the country actually in dispute, it might be authorized to make temporary arrangements for safeguarding the rights and interests of both parties until it was able to fix the boundary-line in the particular locality.

Mr. Chamberlain hopes, therefore, that Lord Salisbury will instruct Sir J. Pauncefote as proposed in the letter from this Department of the 18th instant, and, further, to suggest that the Commission should at once proceed to fix the frontier at the head of the inlets through which the traffic for the Yukon Valley enters, and then to proceed with the delimitation of the rest of the strip as suggested above.

I am, &c.

(Signed) EDWARD WINGFIELD.

No. 24.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received February 22.)

(No. 9.)

(Telegraphic.) P.

Washington, February 22, 1898.

WITH reference to your Lordship's telegram No. 9, of the 12th instant, as to the conditions on which the United States' escort may accompany the relief expedition through Canadian territory, I have the honour to report that the United States' Government express themselves entirely satisfied with the arrangement therein indicated.

I have accordingly so informed the Governor-General.

* That is south of Mount Elias.

No. 25.

The Marquess of Salisbury to Sir J. Pauncefote.

(No. 14.)

(Telegraphic.) P.

Foreign Office, February 22, 1898.

ALASKA boundary: Your telegram No. 7 of 19th February.

It is not so pressing that the boundary on the 141st meridian should be fixed. It is the part of the line along strip of coast south of Mount Elias defined by Articles III and IV of Treaty of 1825, which more immediately calls for settlement. To endeavour to reach agreement by discussion appears hopeless in present circumstances.

The fact that a Company has been mining for some years at Juneau at entrance of Lynn Canal shows that gold may be found in strip claimed by both parties. You should propose to United States' Government that determination of line should be at once referred to three Commissioners in accordance with Treaty of 1825; one appointed by each Government, and a third by an independent Power, the Commissioners to be jurists of high standing.

You should further suggest that the Commission should at once proceed to fix the frontier at the head of the inlets through which the traffic for the Yukon Valley enters, subsequently continuing with the remainder of the strip.

Commission might be authorized, if gold were found in any part of country actually in dispute, to make temporary arrangements to safeguard rights and interests of both parties until it was able to fix the line in the particular locality. It would be satisfactory if a *modus vivendi* could be amicably arranged, pending settlement by Commission.

No. 26.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received February 28.)

(No. 36.)

My Lord,

Washington, February 18, 1898.

I HAD the honour of reporting to your Lordship in my telegram No. 5 of the 11th instant, that upon the receipt of your Lordship's telegram No. 6 of the 3rd instant I had immediately addressed a note to the United States' Secretary of State inquiring, according to your Lordship's instructions, on what grounds application had been made for the passage of an armed body of United States' troops through Canadian territory to accompany the proposed Alaska relief expedition.

Although I twice called at the State Department with a view of eliciting an early reply to this inquiry, it was not until yesterday that I received the note from the United States' Secretary of State, copy of which I inclose, explaining that an armed force was deemed necessary for the protection of the relief expedition after it should have passed through Canadian territory and crossed the boundary into Alaska.

I at once addressed a note to Mr. Sherman (copy of which is also inclosed) in the sense of your Lordship's telegram No. 9 of the 12th instant, informing him of the conditions upon which the Dominion Government were willing to permit the passage of the force in question, and adding that that Government were anxious to co-operate with the relief expedition in every possible way.

Mr. Sherman in acknowledging receipt of this note stated that he would inform me as soon as practicable whether the arrangement indicated was satisfactory to the War Department, and I shall communicate the decision of the United States' Government to your Lordship and to the Governor-General as soon as it is made known to me.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure 1 in No. 26.

Mr. Day to Sir J. Pouncefote.

excellency,

State Department, Washington, February 16, 1898.

I HAVE the honour to acknowledge the receipt of your note of the 4th instant, making inquiry upon what grounds application has been made for permission for an escort of United States' troops to accompany the Alaska relief expedition through Canadian territory.

Copy of your note was immediately communicated to the Acting Secretary of War with a request for the desired information. The reply from the War Department just received, states that the Alaska relief expedition was designed to relieve persons in distress, not only in Alaska but also those in the Klondike gold regions and those en route to those regions through the lower passes near Dyea and Skagway; and in view of the fact that the armed force that accompanies this expedition is absolutely necessary for the protection of the expedition, its supplies and funds, against disorderly persons in Alaska after it has passed through Canadian territory and crosses the boundary into the territory of the United States, permission was desired for the detachment of armed troops—fifty-five soldiers and the necessary officers—to accompany the expedition through Canadian territory. Without this armed escort it would be hazardous and inadvisable for the expedition to start for Alaska over the proposed route, and it might become necessary to select a route to Alaska entirely within the territory of the United States, which would in part defeat the object of the expedition.

Mr. Meiklejohn adds that, from the tenour of the last clause of the note from your Embassy dated the 27th December 1897, this permission had been confidently expected, and, as the expedition is now on the way to Lynn Canal, it is important that this question should be settled at the earliest moment practicable.

(Signed)

WILLIAM R. DAY.

Inclosure 2 in No. 26.

Sir J. Pouncefote to Mr. Sherman.

Sir,

Washington, February 17, 1898.

I HAVE the honour to acknowledge the receipt of your note of the 16th instant, informing me of the grounds upon which it is desired by the United States' War Department that the relief expedition which it is proposed to send to Circle City, Alaska, should be accompanied on its passage through Canadian territory by an armed United States' force.

I am authorized by the Marquess of Salisbury to state to you that the Dominion Government are quite willing that United States' troops, which are destined for places in Alaska beyond the 141st meridian and are considered necessary for the protection of the relief expedition while in United States' territory, should pass through Canadian territory under the same regulations which govern the passage of Canadian mounted police through United States' territory, namely, that the men shall not be under arms, and that arms and munitions of war shall go through Canadian territory as baggage.

The Dominion Government at the same time desire to make it clear that they fully appreciate the wish of the United States' Government to afford relief, and have forwarded instructions to the local officials to facilitate the expedition in every way. An escort of Dominion police will be furnished for the expedition during its passage through Canadian territory.

I shall be glad to learn as early as possible whether the above arrangement is satisfactory to your Government, in which case I will so advise the Marquess of Salisbury and the Governor-General of Canada.

I have, &c.

(Signed)

JULIAN PAUNCEFOTE.

No. 27.

Colonial Office to Foreign Office.—(Received March 2.)

Sir,

Downing Street, March 2, 1898.

I AM directed by Mr. Secretary Chamberlain to transmit to you, to be laid before the Marquess of Salisbury with reference to the letter from this Department of the 15th ultimo, a paraphrase of a telegram from the Governor-General of Canada respecting the Regulations for the navigation of the Stikeen River.

It is obvious that if the privilege of transshipment at Wrangel is refused, the free navigation of the Stikeen which is guaranteed to Great Britain by the Treaties with Russia as well as by the Treaty of Washington will be useless, and Mr. Chamberlain cannot believe that the United States' Government contemplate any such action, which would be a breach of the spirit if not of the letter of the Treaties.

He hopes, therefore, that Her Majesty's Ambassador may be instructed to bring the matter at once before the United States' Government, as suggested in the last paragraph of the telegram inclosed.

I am, &c.

(Signed) H. BERTRAM COX.

Inclosure in No. 27.

The Earl of Aberdeen to Mr. Chamberlain.

(Telegraphic.) P.

[Undated.]

IN view of urgency of situation respecting transportation to Yukon district, my Ministers have made a contract for the construction of a railway by Stikeen River. The contract is now before Parliament for ratification. It is very necessary for the effective use of the route that the Regulations to be issued under Section 26, Treaty of Washington, should permit transshipment at Wrangel. I understand that this subject is under consideration of Treasury Department at Washington. I also understand that legislation in the direction of hostile Regulations has been initiated by Members of Congress. Full despatch follows by mail, copy of same being sent to Her Majesty's Ambassador at Washington.

Although it is not known that it is intended to refuse transshipment, my Government suggest that Her Majesty's Ambassador should interview State Department in advance, with a view to friendly Regulations permitting transshipment being drawn up.

No. 28.

Colonial Office to Foreign Office.—(Received March 2.)

Sir,

Downing Street, March 2, 1898.

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquess of Salisbury, with reference to the letter from your Department of the 21st February, a copy of a letter on the subject of the state of affairs in the Yukon District of Canada.

I am, &c.

(Signed) EDWARD WINGFIELD.

NOTE.

Inclosure 1 in No. 28.

Admiralty to Colonial Office.

Sir,

Admiralty, February 23, 1898.

I AM commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the information of the Secretary of State, copy of a letter from the Commander-in-chief on the Pacific Station, dated the 25th ultimo, and of its inclosures, relative to the state of affairs in the Yukon District of Canada.

I am, &c.

(Signed) EVAN MACGREGOR.

Inclosure 2 in No. 28.

Rear-Admiral Palliser to Admiralty.

Sir,

"Impérieuse," at Esquimalt, January 25, 1898.

I AM forwarding the inclosed Memorandum, drawn up by an official of the North-West Mounted Police, and a copy of a letter addressed to the Collector of Customs, to give their Lordships an idea of the state of affairs on the Coast, and in the Klondyke District, which the rush to the gold-fields in the spring and summer may accentuate.

2. The undetermined boundary question is the principal cause of difficulty, next is the fact that thousands of lawless men will rush into this district, in fact are now doing so; the Canadian police are not strong enough and the large majority of the men (about 90 per cent.) being Americans, those responsible for law and order and the collection of revenue, will be intimidated.

3. The United States' Commissioner, a man named Smith, for the Skagway and Dyea District is most unprincipled, and his speculations and private exactions were so notorious that an official from Washington was sent to inquire into the matter. This official Smith "squared," and in consequence a report was sent back to Washington exonerating Smith for his conduct.

4. I understand the United States are sending infantry up; our difficulty is that we cannot send any armed men except by the Stikine River route, the transfer from the ocean to the river steamers, even then having to be made in a United States' port. At all other places the United States administer the coast and extend their boundary as much inland as suits them, and their claims in the neighbourhood of Lake Bennett are now causing friction.

The Canadian forces should be largely increased to resist the United States' pretensions.

I have, &c.

(Signed) H. BURY PALLISER.

Inclosure 3 in No. 28.

Memorandum of conditions existing in the Yukon District of Canada, for the information of the Admiral commanding the Pacific squadron.

THE Government of this district is being administered by the Federal Government at Ottawa and immediately by the Minister of the Interior. An Administrator has been appointed with large and extensive powers. At the coming Session of Parliament the Yukon District will probably be separated from the North-West Territories, of which it now legally forms a part. The force at present in the country consists of 150 officers, non-commissioned officers and men of the North-West Mounted Police. Of these 45 are at Dawson City and the remainder between Skagway and Selkirk, about 245 miles inland. Dawson City is 600 miles. The Administrator is now in winter quarters in the Yukon. It is proposed to raise the strength of the force to 250 men.

2. The routes into the country are as follows:—Through the Behring Sea up the Yukon River, by flat-bottomed boat to Dawson City. Draught of boats does not exceed 4 feet. There is an extensive bar at the mouth of the Yukon River which prevents boats of deeper draught from entering the river. Were it not for this, boats

drawing 7 or 8 feet could easily ascend to Fort Yukon, 400 miles from Dawson City. River navigation opens the end of June. The next route is over the White Pass or the Chilkat, starting from Skagway or Dyea, situated on the Lynn Canal. The trail joins on Lake Bennett, 18 miles from Dyea. The route then follows down the Lakes and the Yukon River to Dawson. During the summer small boats are built at Lake Bennett and floated down with only two interruptions, namely, White Horse Rapids and Five Fingers, the former being a dangerous rapid, but both are continually being run. This is the only winter route out from Dawson City, and is practicable only for dog teams; certainly on the main portion of the Yukon, where the ice piles up from 12 to 15 feet, and only 25 per cent. of the distance is smooth going, the remainder being hammocky and rough. The Mounted Police have posts at short distances, starting from the summit, about 18 miles from Skagway. The only other route is by the Stikine, 130 miles of which is navigable for steamers of very light draught, then across country 120 miles, where only a pack trail now exists, to Teslin Lake, the waters from which lead into the Yukon, and on to Dawson City. From Teslin Lake to Dawson steamers of light draught can run. The Stikine River opens about the 15th May and closes again in October. A winter road is about to be opened for this route. Ocean-going vessels can proceed to the mouth of the Stikine. The transfer is usually made to the river boats at Fort Wrangel, on American territory. The mouth of the Stikine is very shallow when the tide is out. Both the Yukon and Stikine Rivers are open to navigation, under Treaty, to British vessels.

3. The strip of American territory between British Columbia and the coast is most inconvenient. On the Skagway and Dyea Passes there is a dispute as to the boundary lines. United States' authorities claim that the boundary is 30 miles from the tide water on the Lynn Canal, which takes the line to the head of Lake Bennett and places Lake Lindeman, which is across the summit, in United States' territory. The Canadian Government claim that the summit of the mountain is the boundary, without doubt, although under a different reading, the towns of Skagway and Dyea would also belong to Canada. United States' authorities have exercised authority on Lake Lindeman and also on the head of Lake Bennett. Canadian officers have also exercised jurisdiction on Lake Lindeman.

4. At present there is no winter route into the Yukon district except over American territory. A detachment of the North-West Mounted Police left Edmonton, North-West Territory, in September, 1897, to explore and locate a route to the Yukon overland. Our last advices were dated the 10th November, and at that date this detachment had only succeeded in reaching a point 450 miles distant from Edmonton. They had still 600 miles to travel before reaching Dawson City. There is a trail from Ashcroft, British Columbia, on the Canadian Pacific Railway, north to Telegraph Creek, which can be used in summer. This brings you to the head of navigation on the Stikine, and of course it is all on Canadian soil. Under present conditions it is not possible to send a body of armed men into the Yukon. When the rivers open it would be possible either by the Yukon or the Stikine Rivers. It is hoped that when we know more of the country lying between Edmonton and Dawson, that we shall have an all Canadian overland route both winter and summer.

Vancouver, January 22, 1898.

Inclosure 4 in No. 28.

Mr. Turner to Mr. Stelly.

Dear Sir,

Skagway, January 4, 1898.

TWENTY or thirty men tried to jump a piece of land that Moore has fenced in last night; Moore armed a party and after a free use of guns drove the jumpers off without injuring anyone. At the time it took place it sounded as if a battle was taking place.

Mike King's men are having the same trouble with United States' Customs that we had. His boss has decided that it is cheaper to take Inspector at 6'00 dollars per day going and returning clear to Bennett rather than pay duty. It will cost him about 100 dollars if they have good weather. Captain Woods of the North-West Mounted Police tells me we will have to do the same, and I have a private appointment with Collector of Customs here at 8 p.m., and I will see if we cannot arrange things otherwise. The Regulations are most obnoxious, and Canada should vigorously protest against their enforcement, or else retaliate on Americans going to Circle City and other

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United States' territory in Alaska, as 500 miles of Canadian territory have to be traversed, see Milne about this.

Word has just reached here from Bennett saying, that United States' Commissioner Smith for Dyea and Skagway claims three miles down from the head of the lake taking in Macleod's Police Barracks and my lot, and has ordered all locations of lots to have them recorded with him. A party of Americans went just below the Police Station, where the Union Jack is floating, and hoisted the Stars and Stripes. The police immediately went down and demanded an explanation, and after some parleying the flag was lowered and an apology tendered. I fear there will ultimately be trouble there, and that is one reason why I am in such a hurry to get cabin up and occupy it, and then, like Moore, we can hold the fort.

The Canadian and British Columbian Government act very slowly, and Captain Rant should have been here long ago, in fact, Rant should never have been withdrawn.

It is mild and warm again to-day, perhaps even more so than you are having it at Victoria.

You see this dispute and contention about the international boundary line just acts as an excuse for desperados, who despise law-abiding citizens, to jump land. The United States' Commissioner is over to Dyea, and I am going to see him as soon as he returns. Will extend this letter after I see the Collector to-night. The Kerry Lumber Company of Seattle are taking in portable saw-mills to Bennett, and are going to build a stern-wheel steamer to ply on the lake. Things look very prosperous, but, perhaps, I am too sanguine.

6th January.—I have seen the Collector, and have had several conversations with him. He tells me that the present new Regulations for liquor in bond are very stringent. First a permit must be obtained from the Collector of all Alaska stationed at Sitka to import liquor into Alaska, and if that is not obtained a bond of double the value of the liquor has to be deposited with the Customs as well as an escort at 6 dollars per day going and returning, and that United States' Marshal also has a hand in the affairs, but after a good deal of talk, he told me that he would see the Marshal, and if it possibly could be done, he would do away with the bond, and would swear in one of our own men as an escort, and in no case would he send an escort further than the summit, about half-way to Bennett. I gave him to understand that I was aware how our horses were fixed last summer.

Yours truly,
(Signed) F. TURNER.

No. 29.

Sir J. Pouncefote to the Marquess of Salisbury.—(Received March 2.)

(No. 11.)

(Telegraphic.) P.

Washington, March 2, 1898.

I HAVE the honour to report with reference to your Lordship's telegram No. 14 of the 22nd ultimo, that the United States' Government appear equally desirous to take immediate steps for a provisional boundary line in the locality in question, the rights of both parties being reserved pending the final ascertainment of the boundary. But they urge that a new Convention would be required to carry out your Lordship's proposal as it is in the nature of a reference to arbitration, and, looking at the present constitution of the Senate, it would encounter opposition.

The United States' Government, therefore, suggest that the two Governments should proceed under the last paragraph of Article I of the Convention of the 22nd July, 1892, and that two Commissioners should be appointed to assist them in the work of delimitation, who should endeavour, in the first place, to agree upon such a provisional line as is desired.

The United States' Government, before replying to my note conveying your Lordship's proposal, desire me to explain the difficulty and delay which it involves, and to submit the above modification of it.

No. 30.

The Marquess of Salisbury to Sir J. Pouncefote.

(No. 16.)

(Telegraphic.) P.

Foreign Office, March 2, 1898.

KLONDYKE: Your telegram No. 6, Commercial, of 11th February.

A contract for the construction of a railway by the Stikine River has been made by Canadian Government. For effective use of the route it is very necessary that Regulations to be issued under Article XXVI of the Treaty of Washington should permit transshipment at Wrangel.

A copy of despatch containing full particulars is being sent you by Governor-General.

You should do your best to insure that friendly Regulations permitting transshipment should be issued as early as possible.

No. 31.

Sir J. Pouncefote to the Marquess of Salisbury.—(Received March 3.)

(No. 38.)

My Lord,

Washington, February 21, 1898.

I HAVE the honour to transmit, for your Lordship's information, copy of a note which I have this day received from the United States' Secretary of State, in which the United States' Government, at the instance of the Secretary of the Treasury, ask that the Dominion Government will modify the Regulations of the 18th January, 1898, by arranging for the issue of mining certificates at the Canadian Customs posts on the routes from Skagway and Dyea into the north-west territory.

I have forwarded a copy of Mr. Sherman's note to the Governor-General.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 31.

Mr. Sherman to Sir J. Pouncefote.

Excellency,

Department of State, Washington, February 19, 1898.

IN view of a letter from the Secretary of the Treasury of yesterday's date, I have the honour to lay before your Excellency the following considerations with a view to obtaining, at the earliest possible date, a modification of the Canadian Regulations of the 18th January, 1898, which provide that miners' certificates for use in the north-west territory can be obtained only by application in person, and only at Victoria, Vancouver, and Dawson.

As your Excellency is aware, the sub-port of Dyea and Skagway was established by this Government for the convenience of British commercial and industrial interests, as well as American. Prior to the establishment of that sub-port, British vessels were not permitted by the laws of the United States to land passengers or cargo at any point nearer the passes now in use than Juneau. Passengers and merchandize coming in British vessels were required to be landed at Juneau, and thence to proceed by American vessels or along the shore to Dyea and Skagway at obvious inconvenience. To obviate this inconvenience, and prompted by the belief that it was the purpose of the Canadian Government to meet the efforts of this Government to promote the development of new gold-fields, the Government of the United States, in the spirit of liberality and impartiality, established the sub-port of Dyea and Skagway, at which British vessels may clear and enter. The recent Regulations of the Canadian Government referred to, by failing to establish offices where miners' certificates may be obtained in or near the Canadian boundary accessible to those crossing the passes from Dyea and Skagway, in effect seriously impair the value of that sub-port to American commerce and American citizens.

It being understood that Canadian Customs officers are stationed near the boundary at points easily accessible to those crossing the passes, I have the honour to

request your Excellency to do me the favour to communicate this matter to the Canadian Government, in order that that Government may, in the same spirit of liberality and impartiality which animated this Government in the establishment of the sub-port of Dyea and Skagway, be pleased to so modify its Regulations concerning the issue of miners' certificates as to enable persons crossing the passes from Dyea and Skagway to obtain them at points in the north-west territory easily accessible to such persons.

I should also be pleased to have your Excellency request that the Canadian authorities be as prompt as possible in replying, in order that the Secretary of the Treasury may communicate with the United States' officers in Alaska at the earliest practicable moment.

I have, &c.
(Signed) JOHN SHERMAN.

No. 32.

Foreign Office to Colonial Office.

(Confidential.)

Sir,

Foreign Office, March 3, 1898.

WITH reference to my letter of the 23rd ultimo, inclosing copy of a telegram sent to Her Majesty's Ambassador at Washington, respecting the proposed delimitation of the boundary of Alaska, south of Mount Elias, I am directed by the Marquess of Salisbury to transmit to you, to be laid before Mr. Secretary Chamberlain, a copy of a telegram* which has been received from his Excellency in reply.

It will be seen that the United States' Government suggest a modification of the proposal contained in your letter of the 21st ultimo, and I am to state that Lord Salisbury would be glad to be favoured with the views of the Secretary of State for the Colonies as to the reply which should be sent to Sir J. Pauncefote on the subject.

I am, &c.
(Signed) F. H. VILLIERS.

No. 33.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received March 5.)

(No. 39.)

My Lord,

Washington, February 22, 1898.

WITH reference to my telegram No. 9 of this date, I have the honour to transmit herewith a copy of the note addressed to me by the United States' Secretary of State, informing me that the conditions upon which the passage of a body of United States' troops through Canadian territory will be permitted, as indicated in my note to him of the 17th instant, are entirely satisfactory to the War Department.

I have, &c.
(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 33.

Mr. Day to Sir J. Pauncefote.

Excellency,

Department of State, Washington, February 21, 1898.

REFERRING to the previous correspondence concerning the application of this Government for permission for a military force to escort the United States' Alaska Relief Expedition to Circle city, and particularly to your note of the 17th instant, giving assurance that the Dominion Government will permit United States' troops deemed necessary to protect the expedition in question, while en route to pass through Canadian territory under the same Regulations which govern the passage of Canadian mounted police through United States' territory, I have the honour to inform you that the Department has received a letter from the Acting Secretary of War, stating that

the arrangements indicated in your note will be entirely satisfactory to the War Department.

The Acting Secretary of War adds that the courtesies so kindly extended to facilitate the expedition are fully appreciated by this Government.

I have, &c.

(Signed) WILLIAM R. DAY.

No. 34.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received March 5.)

(No. 40.)

My Lord,

Washington, February 25, 1898.

ON receipt of your Lordship's telegram No. 14 of the 22nd instant I addressed a note (copy of which is inclosed) to the United States' Secretary of State, proposing, in accordance with your Lordship's instructions, that the determination of the portion of the boundary-line between Alaska and the Dominion of Canada lying south of Mount St. Elias, and defined in Articles III and IV of the Anglo-Russian Convention of 1825, should at once be referred to three Commissioners, and expressing the desire of Her Majesty's Government that a *modus vivendi* should be amicably arranged pending the settlement of the boundary by the Commission.

The documents referred to in my note as having been transmitted to Congress by the President in 1889 are contained in Senate Executive document No. 146 (forwarded to your Lordship with my despatch No. 13 of the 6th February, 1890), a volume which includes seventeen valuable maps and important Memoranda on the boundary question generally.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 34.

Sir J. Pauncefote to Mr. Sherman.

Sir,

Washington, February 23, 1898.

I AM desired by the Marquess of Salisbury to approach your Government with a proposal for the settlement of that part of the boundary-line between Alaska and British Columbia which runs along the coast south of Mount St. Elias, and is defined in Articles III and IV of the Convention between Great Britain and Russia of 1825.

The ascertainment of the true line of demarkation under the Convention has at various times occupied the attention of the two Governments since the cession of Alaska to the United States in 1867; and in 1889 important documents on the subject were transmitted to Congress by the President, but the informal discussions which have hitherto taken place have led to no practical result.

The great traffic which is now attracted to the Valley of the Yukon in the north-west territory by the recent discovery of gold in that region finds its way there from the coast, principally through certain passes at the head of the Lynn Canal, and it has become more important than ever for jurisdictional purposes that the boundary, especially in that particular locality, should be ascertained and defined.

Her Majesty's Government therefore propose that the determination of the coast-line of the boundary south of Mount St. Elias should at once be referred to three Commissioners (who should be jurists of high standing), one to be appointed by each Government, and a third by an independent Power. It is suggested further that the Commission should proceed at once to fix the frontier at the head of the inlets through which the traffic for the Yukon Valley enters, continuing subsequently with the remaining strip or line of coast.

The Commission being authorized, in the event of gold being found in any part of the country actually in dispute, to make a temporary arrangement for safeguarding the rights and interests of both parties until it was able to fix a line in a particular locality.

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I am to add that if, pending the settlement of the boundary by the Commission, a *modus vivendi* could be amicably arranged, it would be viewed with satisfaction by Her Majesty's Government.

Hoping that the above proposal may be acceptable to your Government, I have, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 35.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received March 5.)

(No. 41.)

My Lord,

Washington, February 25, 1898.

I HAVE the honour to transmit herewith, for your Lordship's information, copy of a Minute of the Canadian Privy Council, communicated to me by the Governor-General of Canada, relative to the conditions under which United States' stern-wheel steamers built in sections and transported to Dyea might be assembled in British territory, and thereafter navigate the British waters of the Yukon. This information was furnished by the Dominion Government in answer to inquiries addressed to me by the United States' Government on the subject.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 35.

Extract from a Report of the Committee of the Honourable the Privy Council, approved by the Governor-General on the 14th February, 1898.

THE Committee of the Privy Council have had under consideration a despatch, hereto attached, dated the 20th January, 1898, from Her Majesty's Ambassador at Washington, transmitting copy of a note from the United States' Secretary of State, containing certain inquiries relative to the transportation of American stern-wheel steamers to Dyea.

The Minister of Customs, to whom the said despatch and inclosure were referred, reports that permission will be given for small American stern-wheel steamers, built in sections, to be transported to Dyea, to be thence packed over the mountains, and to be thereafter assembled in Canadian territory under Customs supervision without payment of duty.

That any such steamer, if under application for United States' registry, may, without a certificate of such registry on board, proceed with passengers and cargo through such waters as may be in Canadian territory direct to a port in Alaska for the first trip outwards from the point where assembled in Canadian territory.

The Minister submits that it is to be observed that only vessels of British registry or vessels entitled to participate in the Canadian coasting trade are permitted to carry passengers or cargo from one place in Canada and land the same at another place in Canada.

That under item 409 of the Canadian Customs Tariff vessels built in a foreign country, on application for Canadian register, are dutiable at the rate of 10 per cent. on the fair market value of the hull, rigging, and all appurtenances, and at the rate of 25 per cent. on the boilers, steam engines, and other machinery.

The Committee, on the recommendation of the Minister of Customs, advise that your Excellency be moved to forward a certified copy of this Minute to Sir Julian Pauncefote, Her Majesty's Ambassador at Washington, for the information of the Honourable the Secretary of State of the United States.

All which is respectfully submitted for your Excellency's approval.

(Signed)

JOHN J. MCGEE,

Clerk of the Privy Council.

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No. 36*.

Sir J. Pannecote to the Marquess of Salisbury.—(Received March 7.)

(No. 12.)

(Telegraphic.) P.

Washington, March 7, 1898.

I HAVE the honour to report, with reference to your Lordship's telegram No. 16 of the 2nd instant, that the Senate has inserted a clause in the pending Alaskan Railways Bill empowering the Secretary of the United States' Treasury to grant transshipment and bonding privileges at Wrangel, subject to the following conditions:—

1. The Canadian Government not to grant any exclusive privileges of transporting goods or passengers arriving from or destined for other "ports in Alaska" through British Columbia or the north-west territory.

2. Transportation lines in the north-west territory or British Columbia to be given the privilege of making connections directly with Alaskan transportation lines.

3. Miners' outfits up to a weight of 1,000 lbs. to be admitted free of duty.

4. Unequal restrictions relating to the issue of mining certificates to be removed.

5. The privilege to be accorded to United States' fishing-vessels of entering ports in the Dominion of Canada for the purpose of purchasing supplies of all kinds and bait; as also the privilege of transshipping their catch and transporting it in bond. Generally, United States' fishing-vessels to enjoy most-favoured-nation treatment in regard to all Regulations affecting trade.

The Bill, as amended, is now in conference of the two Houses. In the course of the discussion in the Senate it was asserted, confidently, that the fifth, as well as the other conditions, would be accepted by Canada.

The despatch from Canada referred to in your Lordship's above-mentioned telegram has not yet reached me.

No. 36.

Colonial Office to Foreign Office.—(Received March 5.)

(Confidential.)

Sir,

Downing Street, March 5, 1898.

IN reply to your letter of the 3rd instant respecting the delimitation of the Alaska boundary, I am directed by Mr. Secretary Chamberlain to acquaint you, for the information of the Marquess of Salisbury, that he has no expectation that an agreement could be reached on this question by discussion between two Commissioners representing Her Majesty's Government and the Government of the United States respectively, as contemplated by the Convention of 1892.

In view, however, of the objection of the United States' Government to the proposal submitted to them, Mr. Chamberlain is prepared, if Lord Salisbury concurs, to inform the Dominion Government of the United States' objection, and to suggest that a Commissioner should at once be appointed on each side to proceed with the delimitation in the order laid down in the telegram to Sir J. Pauncefoot of the 22nd ultimo.

I am &c.,

(Signed) H. BERTRAM COX.

No. 37.

Foreign Office to Colonial Office.

(Confidential.)

Sir,

Foreign Office, March 7, 1898.

WITH reference to your letter of the 5th instant, respecting the counter-proposal made by the United States' Government for the settlement of the Alaska boundary south of Mount St. Elias, I am directed by the Marquess of Salisbury to state that his Lordship concurs in the course which Mr. Secretary Chamberlain suggests, viz., that the Canadian Government should be informed of the objections offered by the United States' Government to the proposal submitted to them, and that it should at the same time be suggested that a Commissioner should at once be appointed on each side to proceed with the delimitation in the order laid down in the telegram to Sir J. Pauncefoot No. 14 of the 22nd February.

I am, &c.

(Signed) F. H. VILLIERS.

No. 38.

Foreign Office to Colonial Office.

Sir,

Foreign Office, March 8, 1898.

I LAID before the Marquess of Salisbury your letter of the 2nd instant, inclosing a telegram from the Governor-General of Canada, with regard to the proposed construction of a railway to the Yukon district by the Stikkeen River route, in which attention is called to the necessity of obtaining permission from the United States' Government for the transhipment of goods at Wrangel. I am directed by his Lordship to transmit to you a copy of the instructions which have been telegraphed to Her Majesty's Ambassador at Washington on this subject.*

Lord Salisbury observes that reference is made in your letter to the Treaties with Russia by which the free navigation of the Stikkeen and other rivers was guaranteed to Great Britain. As Mr. Secretary Chamberlain is aware, a question was asked in the House of Commons on the 17th ultimo as to whether the rights and obligations existing in regard to Alaska were transferred to the United States' Government when that territory was purchased from Russia in 1867.

The answer given by Mr. Curzon was based on the report of the Queen's Advocate, dated the 26th December, 1867, which was to the effect that the United States are bound by the Articles from the Treaty of 1825 between Great Britain and Russia as

• No. 39.

regards the limits of the ceded territory, but that none of the obligations contracted by Russia towards Great Britain under the other Articles of that Treaty devolved upon the United States by virtue of the Treaty of Cession in 1867.

The question, however, was again discussed in 1877, in connection with the case of Peter Martin, an American citizen, who was conveyed in custody from Laketown to Victoria by the Stikeen River, a portion of the journey being effected through United States' territory. Martin's release was demanded by the United States' Government.

I am to inclose a Minute by Sir J. Pouncefote on the points involved, and also the Report of the Law Officers of the Crown on Martin's case.*

After quoting the report of the Queen's Advocate already referred to, Sir J. Pouncefote mentions that when a question subsequently arose as to the right of the United States to levy light dues on British vessels in the Stikeen River, it was decided that the right could not be contested.

The Law Officers were of opinion (2nd June, 1877) that the Anglo-Russian Treaty of 1825 granted to this country the right of free navigation, and that Russia could not withdraw this permission without the consent of Great Britain, but that she did virtually revoke the permission by Clause VI of her Treaty with the United States in 1867, thereby giving at that time serious ground of complaint to Great Britain; that whatever may have been the right conferred upon Great Britain by the Treaty of 1825, she has lost that right by the subsequent conduct of her Government, especially by the negotiations which led to the Treaty of Washington of 1871, and by that Treaty itself; and that the stipulations of Article XXVI of the Treaty give new rights, and amount to an admission that any former rights were abrogated.

The argument of the Law Officers would thus appear to be shortly as follows:—

Russia in 1867 purported to grant to the United States of America something which she did not possess, having already absolutely parted with it to Great Britain. If so, as regards Great Britain, the grant which Russia purported to make was entirely nugatory and inoperative; and, had nothing subsequently transpired, Great Britain would still possess in their integrity the rights originally granted to her by Russia in 1825.

But subsequently, in 1871, Great Britain became a party to the Treaty of Washington, by the terms of which document her rights in this matter, as opposed to those of the United States, are now defined, and must now be judged.

In so far, then, as the Treaty of 1871 varies the rights obtained by Great Britain by the Treaty of 1825, the former document must, as between Great Britain and the United States of America, prevail.

This view appears to have been adopted by the Canadian Government, who now ask that regulations of a friendly character may be drawn up under Article XXVI of the Treaty of Washington.

It may be noted that the Article in question is in the form of a mutual agreement, and that the nature and extent of the privileges which can be claimed by Her Majesty's Government on the Stikeen must apparently be regulated by the advantages accorded under the first portion of the Article to United States' citizens in the River St. Lawrence.

I am, &c.
(Signed) F. H. VILLIERS.

No. 39.

Foreign Office to Colonial Office.

Sir,

Foreign Office, March 8, 1898.

I AM directed by the Marquess of Salisbury to transmit to you a copy of a despatch from Her Majesty's Ambassador at Washington, inclosing an application from the United States' Government for a modification of the Canadian Regulations so as to provide for the issue of mining certificates at the Dominion Customs posts on the routes from Skagway and Dyea to the Yukon district.† Sir J. Pouncefote states that he has forwarded a copy of Mr. Herman's note on this subject to the Governor-General, and it is presumed that an answer will be sent direct from Canada.

I am, &c.
(Signed) F. H. VILLIERS.

* Memorandum by Sir J. Pouncefote, March 26; Law Officers, June 2, 1877.

† No. 31.

No. 40.

Colonial Office to Foreign Office.—(Received March 9.)

(Confidential.)

Sir,

Downing Street, March 9, 1898.

I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letter of the 7th instant, inclosing copy of a telegram from Her Majesty's Ambassador at Washington, respecting the Alaska Railway Bill now before the United States' Senate.

Mr. Chamberlain desires me to observe that the conditions which the Bill contemplates on the grant of transhipment privileges at Wrangel are, in his opinion, entirely inconsistent with the Treaties by which the free navigation of the Stickine is mutually guaranteed to British subjects and American citizens.

The Regulations contemplated by the Treaty are obviously only such as are required for the purpose of safeguarding the revenue and the preservation of law and order.

The proposals in the Bill can only be described as an attempt to secure from Her Majesty's Government important political concessions, under penalty of being excluded from the engagement [? enjoyment] of rights already fully secured by Treaty.

Mr. Chamberlain would suggest, therefore, for Lord Salisbury's consideration, that telegraphic instructions should be at once sent to Sir J. Poncefote, to the effect that, if he considers the measure is likely to pass with these conditions attached to it, he should protest, on behalf of Her Majesty's Government, against the imposition of any restrictions or conditions other than those contemplated by the Treaties, on the exercise of the Treaty right of free navigation, which must be held to include the right of transhipment under proper Regulations.

I am to inclose a copy of a telegram which has been sent to the Governor-General on this matter.

I am, &c.

(Signed) EDWARD WINGFIELD.

Inclosure in No. 40.

Mr. Chamberlain to the Earl of Aberdeen.

(Telegraphic.) P.

Downing Street, March 9, 1898, 2:35 P.M.

WHEN may I expect despatch promised in your telegram of the 1st March, as to Stickine navigation?

Full information should be sent as soon as possible respecting transportation, navigation, and Customs Regulations adopted by your Government for Alaska.

If equitable Regulations as to transhipment are conceded by United States' Government, I presume your Ministers are prepared to grant any reasonable facilities which they may desire.

No. 41.

Colonial Office to Foreign Office.—(Received March 10.)

Sir,

Downing Street, March 9, 1898.

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquess of Salisbury, with reference to the letter from your Department of the 7th instant, a copy of a paraphrase of a telegram from Mr. Chamberlain to the Governor-General of Canada, on the subject of the Alaska boundary.

I am, &c.

(Signed) EDWARD WINGFIELD.

Inclosure in No. 41.

Mr. Chamberlain to the Earl of Aberdeen.

(Telegraphic.) P.

Downing Street, March 8, 1898, 7:20 P.M.

MY telegram of 24th February: Boundary of Alaska. Pauncefote reports that United States' Government are anxious to proceed with demarcation of provisional boundary in indicated locality without prejudice to either Party's rights as finally ascertained, but that for the arbitration proposed, a new Convention would be required, and that in Senate as at present constituted this would certainly meet with opposition. They therefore suggest proceeding at once under Convention of the 22nd July, 1892, Article I, two Commissioners being employed to endeavour in first place to agree on provisional line as mentioned above.

Her Majesty's Government propose to agree, and would be glad if your Ministers would at once name a Commissioner if they concur.

No. 4.*Colonial Office to Foreign Office.—(Received March 10.)*

Sir,

Downing Street, March 10, 1898.

I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letter of the 8th instant, inclosing copy of instructions sent to Her Majesty's Ambassador at Washington respecting the Stickeen River route to the Yukon district, and also papers bearing on the question of the Treaty right of British subjects to the free navigation of that river.

2. The Law Officers in the opinion, copy of which is inclosed in your letter, advised that clause 6 of the Treaty of 1825 "gives to British subjects the right of free navigation upon the rivers in question in perpetuity, and Russia could not, in our opinion, voluntarily and without the consent of Great Britain withdraw this permission."

3. They go on to say, however, that by clause 6 of the Treaty of 1867, Russia declared the cession of the territory and dominion "as free and unencumbered by any reservation, &c., and therefore did virtually make the permission she had granted, and by so doing gave Great Britain cause of complaint."

4. Mr. Chamberlain is very doubtful whether the Law Officers when they gave this opinion were in possession of the circumstances in which the Treaty of 1867 was made, or of the actual text of the Treaty of 1867.

5. In regard to the former, I am to observe that when the Treaty of 1825 was framed neither Great Britain nor Russia was in actual occupation of any part of the strip of coast defined in the IIIrd and IVth Articles, while the greater part of it was claimed by both, and Great Britain had actually settlements inland of the strip so defined, to which access was gained by the rivers passing through the strip.

6. The VIth Article does not therefore, as the Law Officers appear to have concluded, represent a grant or concession by Russia, but as the language of the Article shows, was an acknowledgment by Russia of a right already claimed and exercised by British subjects, the continued free exercise of which was stipulated for by Great Britain as a condition of acknowledging the sovereignty of Russia over the strip.

7. In regard to the VIth Article of the Treaty of 1867, I am to observe that it only declares that the territory ceded is "free and unencumbered by any reservations, privileges, franchises, &c., by any associated Companies, whether corporate or incorporate, Russian or any other."

8. The words underlined* are not quoted in the Memorandum by Sir J. Pauncefote on which the Law Officers' opinion was based, and they appear to Mr. Chamberlain to show distinctly that the Article had no reference to the reservation in the VIth Article of the Treaty of 1825, but to the reservations and privileges held by the Russian American Company, and from time to time leased by them to the Hudson's Bay Company, while the strip of coast remained part of the Russian dominions, and the reservation of the free navigation of the rivers remained intact.

* Italics.

9. In regard to the further statement of the Law Officers, that "whatever may have been the nature of the right conferred upon Great Britain by the Convention of 1825, we are of opinion that by the subsequent conduct of her Government, especially by the negotiations which led to the Treaty of Washington, and by that Treaty itself, she has lost that right."

10. Mr. Chamberlain is not aware of anything that took place during the negotiations for the Treaty of Washington which could be construed as a waiver of the right of Great Britain, and in regard to the second paragraph of the XXVIth Article I am to point out that it is reciprocal. In the case of the Yukon and Porcupine Rivers, which were not covered by the Treaty of 1825, Great Britain had no right to the navigation of the lower reaches of those rivers, while the United States had no right to navigate them beyond the 141st meridian, while in regard to the Stickeen, the United States had no right to navigate it beyond a distance of 30 miles from its mouth.

11. There does not therefore appear to be anything in Article XXVI of the Treaty which can be construed as waiving the right of British subjects under the Treaty of 1825 to the free navigation of the Lower Stickeen, though it undoubtedly conferred on the United States the right of navigating the upper waters of that river.

12. I am to add that there are other rivers, such as the Taku, traversing the strip of coast in question which are navigable to some extent, and the question is of importance in regard to them as well as the Stickeen, and Mr. Chamberlain would suggest that the present Law Officers should be consulted on the subject.

I am, &c.

(Signed) H. BERTRAM COX.

No. 43.

The Marquess of Salisbury to Sir J. Pauncefote.

(No. 19. Confidential.)

(Telegraphic.) P.

Foreign Office, March 10, 1898.

ALASKA boundary.

Substance of your telegram No. 11 of 3rd March has been repeated to Canada with suggestion that if Canadian Government concur in course proposed, they should at once name a Commissioner.

No. 44.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received March 14.)

(No. 26. Commercial.)

My Lord,

Washington, February 28, 1898.

I HAVE the honour to inclose copies of an Act to amend the Laws relating to Navigation, passed by Congress and approved by the President. It prescribes the conditions under which the Alaskan coasting trade and passenger traffic may be engaged in by foreign vessels and confers on the Secretary of the Treasury the authority under which the Regulations, copies of which were inclosed in my despatch No. 22, Commercial, of the 11th instant, were issued.

I have the honour to inclose also an extract from the Congressional Record containing a report of the discussion which took place on the Bill, when before the House of Representatives, in the course of which Mr. Frye, after explaining that the Bill related to Alaskan waters entirely, explained the objects of the various sections, the effect of which would no doubt be prejudicial to British shipping interests.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure 1 in No. 44.

[PUBLIC—No. 21.]

An Act to Amend the Laws relating to Navigation.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no merchandize shall be transported by water, under penalty of forfeiture thereof, from one port of the United States to another port of the United States, either directly or via a foreign port, or for any part of the voyage, in any other vessel than a vessel of the United States. But this section shall not be construed to prohibit the sailing of any foreign vessel from one port of the United States to another port of the United States: Provided, that no merchandize other than that imported in such vessel from some foreign port which shall not have been unladen shall be carried from one port or place in the United States to another.

Sec. 2. That section 8 of "An Act to abolish certain fees for official services to American vessels, and to amend the Laws relating to Shipping Commissioners, seamen, owners of vessels, and for other purposes," approved the 19th June, 1886, is hereby amended to read:—

"Sec. 8. No foreign vessel shall transport passengers between ports or places in the United States, either directly or by way of a foreign port, under a penalty of 200 dollars for each passenger so transported and landed."

Sec. 3. Whenever merchandize is imported into the United States by sea for immediate exportation to a foreign port by sea, or by a river, the right to ascend or descend, which for the purposes of commerce is secured by Treaty to the citizens of the United States and the subjects of a foreign Power, the Secretary of the Treasury is hereby authorized to prescribe Regulations for the transshipment and transportation of such merchandize.

Sec. 4. That section 3109 of the Revised Statute is hereby amended to read:—

"Sec. 3109. The master of any foreign vessel, laden or in ballast, arriving, whether by sea or otherwise, in the waters of the United States from any foreign territory adjacent to the northern, north-eastern, or north-western frontiers of the United States, shall report at the office of any collector or deputy-collector of the customs, which shall be nearest to the point at which such vessel may enter such waters; and such vessel shall not transfer her cargo or passengers to another vessel or proceed farther inland, either to unlade or take in cargo, without a special permit from such collector or deputy-collector, issued under and in accordance with such general or special Regulations as the Secretary of the Treasury may, in his discretion, from time to time prescribe. This section shall apply to trade with or through Alaska. For any violation of this section such vessel shall be seized and forfeited."

Sec. 5. This Act shall take effect one month after its passage.

Approved February 17, 1898.

Inclosure 2 in No. 44.

Extract from the "Congressional Record" of February 10, 1898.

Mr. Frye.—I am directed by the Committee on Commerce, to whom was referred the Bill (section 3680) to amend the laws relating to navigation, to report it favourably with an amendment. I am obliged to ask the indulgence of the Senate. The Bill relates to Alaskan waters entirely, and, of course, any legislation to be enacted should receive very early attention. I ask unanimous consent that the Bill may be now considered.

Mr. Allen.—Let it be read for information.

The Vice-President.—The Bill will be read for information.

The Secretary proceeded to read the Bill, and read as follows:—

"Be it enacted, &c., that no merchandize shall be transported by water, under penalty of forfeiture thereof, from one port of the United States to another port of the United States, either directly or via a foreign port, or for any part of the voyage, in any other vessel than a vessel of the United States."

Mr. Frye.—Allow me to explain the Bill as it is being read. The clause "or

for any part thereof" is the only change of existing law. We reserve our coasting trade the same as other maritime nations do. Let me give an instance. A few years ago a cargo of nails was shipped from New York to Antwerp and reshipped at Antwerp on another British vessel to San Francisco. The case went before the Courts, and the Courts held that it was evasion of our law, but not a violation. We passed a law to meet such cases as those. The law which we now amend is that law, and the only change is "for any part thereof."

Mr. Teller.—A cargo, or any part thereof?

Mr. Frye.—No; for a voyage or any part of a voyage. It is rendered necessary for this reason: Inquiries have just been made at the Treasury Department as to whether an American vessel could not take a cargo at Seattle and land it at Vancouver, ship it at Vancouver on an English vessel and the English vessel carry it up the rivers. That would be an evasion of the law, and this is to make it certain that it would also be a violation. Now let the Secretary proceed with the reading.

The Secretary read as follows:—

"But this section shall not be construed to prohibit the sailing of any foreign vessel from one to another port of the United States: Provided, that no merchandize other than that imported in such vessel from some foreign port which shall not have been unladen shall be carried from one port or place in the United States to another.

"Section 2. That section 8 of 'an Act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, owners of vessels, and for other purposes,' approved 19th June, 1886, is hereby amended to read:

"Section 8. No foreign vessel shall transport passengers between ports or places in the United States, either directly or by way of a foreign port, under a penalty of 100 dollars for each passenger so transported and landed."

Mr. Frye.—That is to be amended by making the penalty 200 dollars. The reason for that is this: Our present law simply fines 2 dollars a passenger for landing passengers by a foreign vessel from one American port to another American port. The charges for landing from San Francisco, for instance, up the Yukon River will be from 200 to 250 dollars, and the Canadian vessels would be delighted to pay the United States 2 dollars for every violation of the law and take our passenger trade. The Canadian law is 400 dollars penalty. Our colleague, the Senator from California (Mr. Perkins), by a mistake of one of his pursers, happened to land in a Canadian port a passenger from one Canadian port to another. They fined him the 400 dollars and he was never able to get it back. This law is absolutely necessary to enable American vessels to do any of the passenger traffic. If the penalty should be regarded as high, we have what Canada has not, a general law authorizing the Secretary of the Treasury at any time to remit the entire penalty or any part of it.

The Secretary proceeded with the reading of the Bill, and read as follows:—

"Section 3. Whenever merchandize is imported into the United States by sea for immediate exportation to a foreign port by sea, or by a river, the right to ascend or descend, which for the purposes of commerce is secured by Treaty to the citizens of the United States and the subjects of a foreign Power, the Secretary of the Treasury is hereby authorized to prescribe Regulations for the transshipment and transportation of such merchandize."

Mr. Frye.—That section is simply to give to the Secretary of the Treasury power to make Regulations. All our goods, of course, that go up the Yukon River must be transhipped at the mouth of the river on account of the low water, and the Secretary of the Treasury has some doubts about any law now authorizing him to make necessary Regulations for transshipment.

Mr. Allen.—Does the provision of the Bill affect in any way the controverted 10 per cent. drawback of the Tariff Act?

Mr. Frye.—It has nothing to do with it whatever.

Mr. Allen.—It has nothing to do with that?

Mr. Frye.—Let the next section be read—section 4.

Mr. Hoar.—I should like to have the Bill go over.

Mr. Frye.—Does the Senator from Massachusetts object?

Mr. Hoar.—I should like to have it go over.

The Vice-President.—Objection is made, and the Bill lies over.

Mr. Hoar subsequently said: I arrested the reading of the Bill reported by the

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Senator from Maine (Mr. Frye), to the consideration of which the Senate had consented, because I wanted to see whether it was not a good place for an amendment which I desire to offer. But on the explanation of the Senator from Maine that another Bill will be reported very soon which will relate to that matter, I do not insist upon my objection.

The Vice-President.—Is there any objection to proceeding with the Bill reported by the Senator from Maine, which was intercepted a few moments ago? The Chair hears none, and the Bill is before the Senate as in Committee of the whole. The next section of the Bill will be read.

The Secretary resumed and concluded the reading of the Bill, as follows:—

"Section 4. That section 3109 of the Revised Statutes is hereby amended to read:

"Section 3109. The master of any foreign vessel, laden or in ballast, arriving, whether by sea or otherwise, in the waters of the United States from any foreign territory adjacent to the northern, north-eastern, or north-western frontiers of the United States, shall report at the office of any collector or deputy-collector of the customs, which shall be nearest to the point at which such vessel may enter such waters; and such vessel shall not transfer her cargo or passengers to another vessel or proceed farther inland, either to unlade or take in cargo, without a special permit from such collector or deputy-collector, issued under and in accordance with such general or special Regulations as the Secretary of the Treasury may, in his discretion, from time to time prescribe. This section shall also apply to trade with or through Alaska. For any violation of this section such vessel shall be seized and forfeited."

"Section 5. This Act shall take effect one month after its passage."

Mr. Frye.—I will state the reason why section 4 is rendered necessary. Section 3109 of the Revised Statutes was enacted in 1866, and Alaska was admitted in 1867. There is serious doubt as to whether that section applies to the Alaskan waters, and this is only to remove that doubt. There is one amendment reported by the Committee.

The Vice-President.—The amendment will be stated.

The Secretary.—On p. 2, section 2, line 8, it is proposed to strike out the word "one" before "hundred" and insert "two," so as to read:—

"Under a penalty of 200 dollars for each passenger so transported and landed."

The amendment was agreed to.

The Bill was reported to the Senate as amended, and the amendment was concurred in.

The Bill was ordered to be engrossed for a third reading, read the third time, and passed.

No. 45.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received March 14.)

(No. 45.)

My Lord,

Washington, February 28, 1898.

WITH reference to my despatch No. 38 of the 22nd instant, in which I inclosed the representations made by the United States' Government to the Dominion Government in favour of the establishment of additional places of issue for mining certificates, I have now the honour to forward to your Lordship copy of a note from the United States' Government calling attention to certain instances of the loss and inconvenience occasioned by the existing Regulations.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 45.

Mr. Sherman to Sir J. Pauncefote.

Excellency,

Department of State, Washington, February 26, 1898.

REFERRING to the Department's note No. 921 of the 19th instant in regard to the desire of this Government to obtain a modification of the Canadian Regulations concerning the issue of miners' certificates, I have the honour to inform your Excellency that I am in receipt of a letter from the Secretary of the Treasury, under date of the 24th instant, advising me that both the "Queen" and "Alki," of the Pacific Coast Steam-ship Company, were recently delayed twenty-four hours in Victoria awaiting miners' licences; that the "Queen" would ordinarily wait at that port but an hour, while the "Alki" is not scheduled to call there; and that the loss of time suffered in this instance amounts to over 1,000 dollars.

I have, &c.

(Signed) JOHN SHERMAN.

No. 46.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received March 15.)

(No. 16.)

(Telegraphic.) P.

Washington, March 15, 1898.

I HAVE the honour to report, with reference to your Lordship's telegram No. 16 of the 2nd instant, that the Senate has inserted a clause in the pending Alaskan Railways Bill, empowering the Secretary of the United States' Treasury to grant transshipment and bonding privileges at Wrangel, subject to the following conditions:—

1. The Canadian Government not to grant any exclusive privileges of transporting goods or passengers arriving from or destined for other "ports in Alaska" through British Columbia or the north-west territory.
2. Transportation lines in the north-west territory or British Columbia to be given the privilege of making connections directly with Alaskan transportation lines.
3. Miners' outfits up to a weight of 1,000 lbs. to be admitted free of duty.
4. Unequal restrictions relating to the issue of mining certificates to be removed.
5. The privilege to be accorded to United States' fishing-vessels of entering ports in the Dominion of Canada for the purpose of purchasing supplies of all kinds and bait; as also the privilege of transshipping their catch and transporting it in bond. Generally, United States' fishing-vessels to enjoy most-favoured-nation treatment in regard to all Regulations affecting trade.

The Bill, as amended, is now in conference of the two Houses. In the course of the discussion in the Senate it was asserted, confidently, that the fifth, as well as the other conditions, would be accepted by Canada.

The despatch from Canada referred to in your Lordship's above-mentioned telegram has not yet reached me.

No. 47.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received March 17.)

(No. 53.)

My Lord,

Washington, March 8, 1898.

WITH reference to my telegram No. 12 of the 6th instant, I have the honour to inclose an extract from the "Congressional Record,"* containing a full report of the debate which took place in the Senate on the Bill "extending the homestead laws, and providing for right of way for railroads in Alaska."

The discussion on the clause substituted by the Senate for the original section 13 commences at p. 2771, where the full text of the clause will be found.

The Bill was introduced by Senator Hanebrough, who in his speech (p. 2771) gives a minute history of the new clause, and states his belief that Canada will accept

* "Congressional Record" of March 4, 1898.

all the conditions which it imposes on the grant of transhipment and bonding facilities at Wrangel. I would draw your Lordship's attention to the speeches of Senators Hoar (p. 2772), Frye (p. 2773), Lodge (p. 2774), and Morgan (p. 3775), all of whom complain of the attitude of Canada towards the United States, who, they aver, have never obtained any reciprocity or return for their concessions and liberality to their neighbour. At p. 2775 will be found an important Memorandum by Professor George Davidson, of California, "on the physical features and resources of Alaska," with observations on the boundary question (p. 2777).

The question of the bonding privileges at Wrangel has thus been anticipated by the United States' Legislature, and it remains to be seen how far the Canadian Government may be prepared to accept the conditions imposed by the Senate. It is possible that during the Conference between the two Houses on the amended Bill those conditions may be modified, especially as regards the fisheries.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 48.

The Marquess of Salisbury to Sir J. Pauncefote.

(No. 22.)

(Telegraphic.) P.

Foreign Office, March 17, 1898, 6:20 P.M.

IF you consider that Alaska Railway Bill is likely to pass with conditions reported in your telegram No. 12 of the 7th March, you should make representations on behalf of Her Majesty's Government against the imposition of any restrictions or conditions on the exercise of the Treaty right of free navigation, which must be held to include the right of transhipment under proper Regulations.

No. 49.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received March 19.)

(No. 54.)

My Lord,

Washington, March 10, 1898.

WITH reference to my telegram No. 11 of the 2nd instant, and to previous correspondence, on the subject of the demarcation of the Alaska-Canada boundary-line south of Mount St. Elias, I have the honour to transmit to your Lordship herewith a set, kindly furnished me by the United States' Secretary of State, of the maps prepared by the Commissioners appointed under the Alaska Survey Convention of 1892, to accompany their joint Report.*

In forwarding these maps to me, Mr. Sherman explained that his attention had been called to a statement made by Mr. Curzon in the House of Commons on the 18th ultimo, to the effect that they had not yet been received by Her Majesty's Government.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 50.

Colonial Office to Foreign Office.—(Received March 19.)

Sir,

Downing Street, March 18, 1898.

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquess of Salisbury, with reference to the letter from this Department of the 9th March, a copy of a telegram from the Governor-General of Canada, on the subject of the navigation of the Stikine, Porcupine, and Yukon Rivers.

I am, &c.

(Signed) EDWARD WINGFIELD.

Inclosure in No. 50.

The Earl of Aberdeen to Mr. Chamberlain.

(Telegraphic.) P.

[Undated.]

IN reply to your telegram of 9th March. Copies of Coasting and Customs Regulations adopted by my Government are being forwarded to-day. At the request of my Ministers I transmitted on 3rd March to Her Majesty's Ambassador at Washington, copies of Regulations as to foreign trading vessels, and stated that United States' trading vessels might navigate Canadian waters of Stikine, Porcupine, and Yukon Rivers, in compliance with these Regulations and provisions of Customs Act, subject to such amendment as it may be deemed necessary to make.

NOTE.

No. 51.

Colonial Office to Foreign Office.—(Received March 19.)

Sir,

Downing Street, March 19, 1898.

I AM directed by Mr. Secretary Chamberlain to transmit to you, to be laid before the Marquess of Salisbury, a paraphrase of a telegram from the Governor-General of Canada, repeating a telegram which he has sent to Her Majesty's Ambassador at Washington requesting that the United States' Government may be asked to give permission for the passage of a body of about 200 Canadian Militia through United States' territory *en route* for the Yukon, where their services are required to assist the police in maintaining law and order.

Mr. Chamberlain would be glad if Lord Salisbury would, if he sees no objection, instruct Sir J. Pauncefote to urge the United States to grant permission for the passage of these troops through United States' territory on the same conditions as were granted in the case of the Mounted Police.

I am, &c.

(Signed) C. P. LUCAS.

Inclosure in No. 51.

The Earl of Aberdeen to Mr. Chamberlain.

(Telegraphic.) P.

March 17, 1898.

WISH to inform you that I have to-day telegraphed to Her Majesty's Ambassador at Washington as follows:—

"I am requested by my Ministers to mention that they propose to send a small body of about 200 Canadian Militia to the Yukon to be prepared to assist police in maintaining order, in case assistance should be required, and to ask you to be so good as to apply to United States' authorities for privilege of passage through United States' territory on the same conditions as those granted to Canadian Mounted Police."

NOTE.

No. 52.

The Marquess of Salisbury to Sir J. Pauncefote.

(No. 25.)

(Telegraphic.) P.

Foreign Office, March 19, 1898.

KLONDIKE. You should do what you can to obtain permission for Canadian Militia to pass through United States' territory in accordance with the telegram sent to you on the 17th instant by the Governor-General of Canada.

FIELD.

No. 53.

Sir J. Pouncefote to the Marquess of Salisbury.—(Received March 23.)

(No. 21.)

(Telegraphic.) P.

Washington, March 23, 1898.

IN answer to your Lordship's telegram No. 25 of the 19th instant, I have the honour to inform your Lordship that I learn from the United States' Secretary of State that the desired permission to proceed through United States' territory will be granted to the Canadian Militia.

The United States' Government stipulate, however, that the men shall not be under arms, and that their arms and munitions of war shall be sent as baggage through the territory of the United States.

No. 54.

Sir J. Pouncefote to the Marquess of Salisbury.—(Received March 26.)

(No. 22.)

(Telegraphic.) P.

Washington, March 26, 1898.

BONDING privileges at Alaskan ports.

I have the honour to report, with reference to your Lordship's telegram No. 22 of the 17th instant, that I have taken the precaution of delivering a *pro-memorid*, in the sense indicated by your Lordship, to the Department of State, and I have verbally warned the Senator who is in charge of the Bill in question.

In an important confidential conversation which I have had with this Senator, he stated that all that is really desired by Congress is that the policy of railway monopoly should be abandoned by the Canadian Government, and that liberty should be given to make connections between Alaskan and Canadian railways, adding that, if this concession be made, bonding privileges will be granted, wherever necessary for railway transportation, at all portions of the Alaska coast.

This arrangement must be said to be of benefit to Canadian trade, and he asked me privately to endeavour to ascertain from the Dominion Government whether the solution proposed would be acceptable to them. I should be glad to receive through your Lordship an answer to this inquiry, as I understand that it will, if given promptly and in a favourable sense, result in the limiting of section 13 of the Bill (which is still in Conference) in the sense indicated above.

I have made no communication to the Governor-General of Canada on the subject.

No. 55.

Sir J. Pouncefote to the Marquess of Salisbury.—(Received March 27.)

(No. 23.)

(Telegraphic.) P.

Washington, March 27, 1898.

ALASKA boundary.

Your Lordship's telegram No. 19 of the 10th instant.

The United States' Government are pressing me for an answer to their suggestion.

The Governor-General of Canada has sent me no communication on the subject.

No. 56.

Sir J. Pouncefote to the Marquess of Salisbury.—(Received March 28.)

(No. 73.)

My Lord,

Washington, March 18, 1898.

WITH reference to my despatch No. 53 of the 8th instant and previous correspondence, relative to the United States' Regulations affecting the conveyance of goods and passengers through Alaska into Canadian territory, I have the honour to transmit herewith

copy of a Minute of the Canadian Privy Council of the 9th instant which has been communicated to me by the Governor-General.

In this Minute it is pointed out that the New Bonding Regulations of the United States (contained in the Treasury Regulations forwarded to your Lordship in my despatch No. 22, Commercial, of the 11th ultimo) have not yet been put in force at Dyea and Skagway, and that the employment of only one United States' Inspector has been authorized for the two Canadian Customs stations on Chilcoot Pass and White Pass respectively.

Acting on Lord Aberdeen's suggestion, I have called the attention of the United States' Government to the facts stated in the Minute, expressing the hope that the measures desired by the Dominion Government might be taken at an early date.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 56.

Extract from a Report of the Committee of the Honourable the Privy Council, approved by the Governor-General on the 9th March, 1898.

THE Committee of the Privy Council have had under consideration a despatch, hereto annexed, dated the 15th February, 1898, from Her Majesty's Ambassador to the United States, transmitting a copy of a communication from the United States' Secretary of State in reply to inquiries by your Excellency, together with a series of Treasury Regulations.

The Committee, on the recommendation of the Minister of Customs, to whom the said despatch was referred, advise that your Excellency be moved to acknowledge the receipt of the said despatch, together with the Treasury Regulations inclosed, and to inform Her Majesty's Ambassador to the United States that a copy of the Regulations under which the Yukon, Porcupine, and Stikine Rivers, so far as they are in Canadian territory, may be navigated, was transmitted to him on the 3rd March, 1898.

The Committee further advise, upon the same recommendation, that Her Majesty's Ambassador to the United States be also requested to communicate the following representations to the Government of the United States for their attention at the earliest opportunity:—

1. That Major Perry telegraphs from Union, British Columbia, on the 2nd March, 1898, to the effect that the New Bonding Regulations of the United States have not been put in force at Dyea and Skagway, on the ground that there is no accommodation for the United States' Customs Inspector, and that two such Inspectors are required for the Canadian Customs stations on Chilcoot Pass and White Pass, while only one Inspector has been authorized to be employed.

2. That the Canadian Government will provide office accommodation for the Customs Inspector of the United States at the Canadian Customs stations on Chilcoot Pass and White Pass.

All of which is respectfully submitted for your Lordship's approval.

(Signed)

JOHN J. MCGEE,

Clerk of the Privy Council.

No. 57.

Foreign Office to Colonial Office.

(Confidential.)

Sir,

Foreign Office, March 28, 1898.

THE Marquess of Salisbury communicated to Her Majesty's Ambassador at Washington by telegraph the substance of your letter of the 9th instant, respecting the proposals for the delimitation of the Alaska boundary.

His Excellency has reported in a telegram, dated the 27th instant, that he has received no communication on the subject from the Governor-General of Canada, and that

the United States' Government are pressing for a reply to their suggestion as to the procedure which should be adopted.

I am to inquire whether Mr. Secretary Chamberlain has received any answer to the telegram which was sent to the Earl of Aberdeen on the subject.

I am, &c.
(Signed) F. H. VILLIERS.

No. 58.

Foreign Office to Colonial Office.

(Confidential.)

Sir,

Foreign Office, March 28, 1898.

WITH reference to my letter of the 18th instant, I am directed by the Marquess of Salisbury to transmit to you a copy of a telegram from Her Majesty's Ambassador at Washington, reporting a conversation with the Senator in charge of the Alaska Railway Bill.*

Sir J. Pauncefote states that he has made no communication to the Governor-General of Canada with a view to ascertaining whether the arrangement suggested by the Senator would be acceptable, and I am therefore to inform that reply Mr. Secretary Chamberlain would wish to be sent to his Excellency.

I am, &c.
(Signed) F. H. VILLIERS.

No. 59.

Colonial Office to Foreign Office.—(Received March 31.)

(Confidential.)

Sir,

Downing Street, March 31, 1898.

WITH reference to your letter of the 28th instant, inclosing copy of a telegram from Her Majesty's Ambassador at Washington respecting the Alaska Railway Bill now before the United States' Senate, I am directed by Mr. Secretary Chamberlain to acquaint you, for the information of the Secretary of State for Foreign Affairs, that he considers it very important that the substance of Sir J. Pauncefote's message should be at once communicated to the Dominion Government.

He proposes, therefore, if the Marquess of Salisbury concurs, to telegraph to the Governor-General in the terms of the accompanying draft.

At the same time, the strong desire of the Dominion Government to establish a railway running entirely through British territory, and terminating at a British port, demands the sympathy and encouragement of Her Majesty's Government.

It is by no means a satisfactory position for them to be under the necessity of relying on the goodwill of the United States for the maintenance of authority at the gold-fields, and though the miners have hitherto shown themselves peaceable and law-abiding, it is most improbable, in view of the enormous influx now taking place, that a considerable disorderly element will not find its way thither, and that circumstances might arise in which the United States would not be disposed to assist the Canadian Government to restore order by allowing the passage of troops.

Mr. Chamberlain trusts, therefore, that Sir J. Pauncefote will be instructed to press again on the President that Her Majesty's Government would regard the denial of the right of transshipment, or the imposition of irrelevant and impracticable conditions on the exercise, as an evasion of the Treaty right of free navigation, which they cannot believe he would be a party to, and to express their strong hope that immediate instructions will be given for allowing transshipment under the usual and recognized conditions.

I am, &c.
(Signed) EDWARD WINGFIELD.

Inclosure in No. 59.

Draft Telegram from Mr. Chamberlain to the Earl of Aberdeen.

(Secret and Confidential)

YOUR despatch No. 51 of the 4th March.

Her Majesty's Ambassador at Washington was instructed on the 17th March, if he considered Alaska Railway Bill now before United States' Senate likely to pass, to make representations on behalf of Her Majesty's Government against imposition of any restrictions or conditions on the exercise of Treaty right of free navigation, which must be held to include right of transhipment.

An ambassador now reports that he had verbally warned Senator in charge of Bill, and had delivered to State Department *pro-memorid* in accordance with instructions.

Sir J. Pauncefote reports confidential conversation Senator referred to, who says. "All that Congress really requires is that Canada should abandon policy of railway monopoly, and to secure liberty to connect Canadian territory with Alaskan railways.

"If this concession made bonding privileges would be granted all along Alaskan coast wherever necessary for railway transportation. By this Canadian trade would be benefited."

Senator requested Ambassador to sound your Government as to this, as, if answer favourable, section 13 of Bill now in Conference would be limited accordingly.

I would point out that question whether right of transhipment is involved in free navigation has not previously been raised or decided.* Though Her Majesty's Government support view of your Ministers, that view will not improbably be disputed by United States' Government, and delay must ensue, which may endanger prospect of Stickeen Railway more than competition.

Your Ministers should consider, therefore, whether they and the contractors, under Bill inclosed in your despatch, could not come to some arrangement, without prejudice to boundary question, which would meet the wishes of Congress.

The settlement of boundary question must occupy some time, and possession by United States of coast strip of undefined extent renders friendly relations of vital importance for development of gold-fields pending establishment of an all British route.

It seems to me that additional route from Lynn Canal would benefit Canada and develop more quickly gold territory, while Canada would always retain power to complete all British route if competition by Lynn Canal were found objectionable.

No. 60.

Mr. Hay to the Marquess of Salisbury.—(Received April 1.)

My Lord,

American Embassy, London, March 24, 1898.

I HAVE the honour to transmit herewith a set of the maps of the Alaska Boundary Commission, which I have received from my Government for presentation to that of Her Majesty.†

I have, &c.
(Signed) JOHN HAY.

No. 61.

Foreign Office to Colonial Office.

(Confidential.)

Sir,

Foreign Office, April 1, 1898.

I AM directed by the Secretary of State to acknowledge the receipt of your letter of the 31st ultimo, respecting the Alaska Railway Bill now before the United States' Senate.

With regard to the telegram which Mr. Secretary Chamberlain proposes to send to

* Amendments suggested by Foreign Office, and adopted by Colonial Office:—

Omit "Though Her Majesty's Government support view of your Ministers, that view"—

And insert "and Her Majesty's Government are consulting the Law Officers on the point.

"The view of your Ministers"—

† Not printed.

the Governor-General of Canada, informing his Excellency of Sir J. Pauncefote's confidential conversation with the Senator in charge of the Bill, I am to observe that the question as to the right of transshipment at Port Wrangel is about to be submitted to the Law Officers of the Crown, and that it seems desirable to inform the Canadian Government that this is being done.

An alteration has accordingly been suggested in the margin of the draft telegram, which is returned herewith. Subject to this alteration, the Secretary of State concurs in its terms.

I am also to suggest that before sending any further instructions to Sir J. Pauncefote on this subject, it would be well that Her Majesty's Government should have before them the Report of the Law Officers on the questions referred for their opinion, and also that the views of the Canadian Government on the compromise indicated in his Excellency's telegram should be ascertained.

I am, &c.
(Signed) F. H. VILLIERS.

No. 62.

Colonial Office to Foreign Office.—(Received April 2.)

Sir, *Downing Street, March 31, 1898.*
I AM directed by the Secretary of State for the Colonies to transmit to you for the information of the Marquess of Salisbury, with reference to the letter from this Department of even date, a copy of a despatch from the Governor-General of Canada on the subject of the Alaska Railway.

I am, &c.
(Signed) EDWARD WINGFIELD.

Inclosure 1 in No. 62.

The Earl of Aberdeen to Mr. Chamberlain.

Sir, *Government House, Ottawa, March 4, 1898.*
I HAVE the honour to forward herewith, for your consideration, a copy of an approved Minute of the Privy Council submitting a Memorandum from the Minister of the Interior, in which he discusses the present position of affairs in the Yukon district, and the measures proposed by my Government with a view to establishing railway communication with that district.

You will observe that the Minister draws attention to a Bill now before the United States' Congress, which, if passed, will, it is apprehended, interfere with the rights of navigation of the Stickeen River, secured to British vessels by Article XXVI of the Treaty of Washington.

My Minister of Justice is of the opinion, as appears from a copy of a letter attached to the Memorandum, that the right of transshipment free from United States' customs duties, is a necessary incident to the right of navigation guaranteed by the Treaty; and Ministers would be glad to know that this contention would be supported by Her Majesty's Government.

I have, &c.
(Signed) ABERDEEN.

Inclosure 2 in No. 62.

Extract from a Report of the Committee of the Honourable the Privy Council, approved by the Governor-General on the 28th February, 1898.

THE Committee of the Privy Council have had under consideration the annexed Memorandum from the Minister of the Interior together with the accompanying documents and map, setting forth the situation in the Yukon mining district, and having reference particularly to the proposed construction of a line of railway from the Stickeen River to Teslin Lake, and to proposed legislation by the United States' Congress, and the possible action of the United States' Government in connection with the tranship-

ment of goods from ocean steam-ship to flat-bottomed boats such as are required in the navigation of the Stickeen River, which transhipment is necessary in order to the free navigation of that river as guaranteed by the Treaty of Washington.

The Committee concurring in the said Memorandum, advise that your Excellency be pleased to transmit the same, together with the accompanying documents and map, to the Right Honourable the principal Secretary of State for the Colonies.

All which is respectfully submitted for your Excellency's approval.

(Signed)

JOHN J. MCGEE,

Clerk of the Privy Council.

Memorandum from the Minister of the Interior.

A despatch was sent some days ago setting forth the action taken respecting that portion of the Canadian Yukon territory between the summit of the mountains in the White Pass and in the Chilkoot Pass and Lakes Lindeman and Bennett, said action having been taken in view of the possible occupation of the territory in question by American citizens under a claim of right. The present Memorandum is forwarded for the purpose of advising Her Majesty's Government fully upon other matters arising in connection with the same territory.

It is apparently beyond any question that what is known as the Yukon district will be occupied by a large number of people during the coming season. The trade arising from the outfitting of these people is of great magnitude and heretofore has been done largely by American merchants upon the Pacific coast, owing to the fact that it was necessary, in order to enter the Yukon territory, to pass through a strip of land at Dyea and Skagway, which, though claimed to belong to Canada, is in possession of the United States. It is also thought that serious difficulty may be apprehended from the fact that the country is likely to be occupied in the near future by a large population of aliens, who would not be likely to submit to the restraints of law unless the Administration were backed by a sufficient police force. Apprehensions also exist lest a large number of people going into the territory during the coming summer would find themselves without a sufficient supply of provisions when the winter came on. It is needless to go fully into the details of these questions, and nothing further requires to be said than that they received the most careful attention of the Government, and the conclusion arrived at, was that there was urgent necessity for the construction of a railway, which, operated in connection with navigable waters, would give access to the country before navigation closed next fall. Accordingly, an arrangement has been made for the construction of a line of railway from the Stickeen River to Teslin Lake, and a copy of the Bill now pending before the House of Commons to confirm the contract thus entered into is forwarded herewith, with a map of the district. It will be observed that the line of the railway is contemplated to extend from a point on the Stickeen River to Teslin Lake. The use of the line of railway referred to will, for the present, depend upon the navigation of the Stickeen River, and in entering upon the Contract the Government has depended upon the right of navigation of the Stickeen River provided for in the XXVth Article of the Washington Treaty.

A perusal of the Bill will show that the scheme of the railway is to build first from the Stickeen River to Teslin Lake, making use of the Stickeen River during the coming summer, under the provisions of the Washington Treaty, and thereafter, if the development of the country warrants it (and a line is found practicable), to continue the construction of this railway southerly to a point upon the coast within Canadian territory, thus providing an ocean port and obviating the necessity of making use of the Stickeen River, or of passing through American territory. The Bill also contemplates the idea of not permitting the construction of lines of railway for a limited period into the Canadian Yukon district from points on the international boundary-line, which boundary is at the present time undetermined, except as it is defined in the Anglo-Russian Treaty of 1825.

There were two reasons for adopting this policy. The first was that the promoters of the Railway Company were receiving no cash subsidy for the construction of the line, and were unwilling to enter into a Contract therefor, unless they were protected from the possibility of the construction of a shorter line through United States' territory, and starting upon the coast at a more northerly point. They feared that they would be unable to finance for the construction of the road without such a provision. The second reason for the insertion of this provision was that it was desired to secure the construction

of a line that should be exclusively in Canadian territory for military as well as commercial reasons.

Very grave fears are entertained that without an independent line wholly within Canadian territory, if any difficulty should arise in the enforcement of Canadian laws as against lawless miners claiming to be American citizens, it would be impossible to secure the right of passage through territory in the possession of the United States, of men and military supplies into the Canadian Yukon district. A further reason for the adoption of this policy was the undesirability of the trade arising from the operations of miners within the district being subjected to control by the United States.

Herewith is forwarded a Bill which has just passed the United States' House of Representatives, and which it is understood has been referred to a Committee and reported to the Senate. The particular stage at which the Bill stands at the present time is a matter of hearsay, and the above statement may not apply to the facts as they exist when this despatch is received. The Bill is, however, before the United States' Congress with apparently every prospect of being submitted for the signature of the President. It is desired to call special attention to Section 13 of this Bill, which suggests a denial of the bonding privilege at Wrangel, the port of entry at the mouth of the Stickeen River in the district of Alaska, except upon conditions which will, upon perusal, appear to be such as the Government of the Dominion could not, under any circumstances, agree to. It is perfectly understood that this action is only in the shape of proposed legislation. It is also understood that the United States' authorities have the privilege of denying bonding privileges, except upon such conditions as they may see fit to impose, but there is an indication of hostility in this section which, if it becomes law, may prove to be very irritating, and endanger the continuance of cordial relations in matters of international trade.

Unofficial information also reaches the Government that legislation is in contemplation, or is likely to be introduced into the United States' Congress, for the purpose of annexing to the privilege of free navigation of the Stickeen River conditions which would make such right of navigation of no commercial value. It has been assumed, and is now assumed by the Canadian Government, that the Washington Treaty will be loyally carried out according to its true meaning and intention by the United States' Government, but it is conceived to be the duty of the Canadian Government to call the attention of Her Majesty's Government to the facts as they exist at the present time, to the end that if Her Majesty's Government deem it advisable, representations may be made to the Government at Washington upon the subject.

Another and more important question which arises in connection with the foregoing, is as to the construction of Section 26 of the Washington Treaty. The Stickeen River is a shallow river, and vessels navigating it require to be specially constructed for the purpose. The convenient method of making use of the Stickeen River for purposes of navigation would be by transshipping merchandize from ocean vessels in the harbour, or at the dock at Wrangel, to flat-bottomed river boats. The Canadian Government claims that the right of free navigation for commercial purposes given to British subjects by the Treaty of Washington, permits a British vessel to proceed to Wrangel, there under reasonable Regulations to tranship its cargo to a British river boat either in the harbour or at the dock, said cargo being taken up the river to Canadian territory in the river boat without payment of duty, or without being bonded. It is feared that the question of our right of transhipment at Wrangel may become acute at an early date. Reports have reached us from Washington to the effect that our right is doubted by leading Members of the United States Congress, and the United States' Secretary of the Treasury, in answer to inquiries on the subject, states that he is considering the matter. It is understood that this question is under discussion at Washington, and that although no formal decision has yet been given by the Treasury Department of the United States, it is not yet admitted by that Government that the right of transhipment at Wrangel exists.

The opinion of the Minister of Justice of Canada upon the right of transhipment at Wrangel, under the Washington Treaty, is appended hereto, and the Canadian Government would be pleased to know that their views upon this important subject are concurred in by Her Majesty's Government.

(Signed)

CLIFFORD SIFTON,

Minister of the Interior.

Department of the Interior, February 28, 1898.

Department of Justice, Canada, Ottawa,
February 27, 1898.

Sir,

I have the honour to acknowledge the receipt of your communication of the 26th instant, inviting my attention to the Article XXVI of the Treaty of Washington, which provides that:—

"The navigation of the Rivers Yukon, Porcupine, and Stickine, ascending and descending, from, to, and into the sea, shall forever remain free and open for the purposes of commerce to the subjects of Her Britannic Majesty and to the citizens of the United States, subject to any Laws and Regulations of either country within its own territory not inconsistent with such privilege of free navigation."

You ask me to advise you as to whether under this Article British ships laden with goods for the Yukon country are entitled on arriving at or near Wrangel at the mouth of the Stickine River, to tranship their cargoes into flat-bottomed British boats or ships and transport them through that portion of the Stickine River flowing through American territory without paying duty thereon and without bonding the goods.

In reply, I beg to say that I am of opinion that British ships laden with goods intended for the Yukon district having the right under the foregoing Article, to navigate the Stickine River for purposes of commerce, are entitled, on arriving at Wrangel or other convenient points where sea navigation terminates and river navigation begins, by the settled usage of international law to tranship articles of commerce from sea-going vessels to river vessels without paying duty, and without bonding the goods, and subject only to such reasonable Regulations as the Government of the United States may make, not inconsistent with this principle of free navigation.

Wherever the right of navigating a river for commercial purposes is conceded, it draws after it, as incidental to its navigation, all the means which are necessary to the full enjoyment of the principal right, such as the mooring of vessels to the bank of the river for the purpose of loading and unloading its mercantile cargo. These are mere accessories to the navigation, and the Treaty has been granted. This rule is derived from the Roman Law, and was generally accepted by continental jurists to the river flowing through the territories of different States, and has been generally accepted as a doctrine of international law, as it was found that the use of the adjacent lands for these purposes was necessary for the attainment of the end for which free navigation was permitted.

The doctrine was practically applied under the provision of the Treaty of Paris of 1763, by which the right to navigate the whole of the River Mississippi was ceded to British subjects, and expressly that part of the river between the Islands of New Orleans and the western bank. The Treaty contains not a word about the use of the shores, though, at this point, both banks belonged to France, and were shortly after ceded by France to Spain. Had not the use of the shores been considered as incident to the use of the water, express stipulation would have been necessary, as Mr. Wheaton says, it was too obvious to have escaped the attention of either Party. British subjects accordingly used the shore habitually for purposes necessary to the navigation of the river.

After the territory became Spanish territory a Spanish Governor at New Orleans undertook to forbid this use, and cut loose the vessels fastened to the shore.

A British vessel moored immediately opposite to the town set out guards with orders to fire on such as might attempt to disturb her moorings. The Spanish Governor acquiesced in this interpretation of the Treaty, and it was subsequently exercised without interruption. Whatever is reasonably necessary to the exercise of the principal right—that of navigation for the purpose of commerce—is incidentally granted to the party upon whom the right is conferred.

I am of opinion that the right under this clause of the Treaty to tranship does not admit of doubt.

I have, &c.

(Signed) DAVID MILLS.

The Right Honourable Sir Wilfrid Laurier, G.C.M.G.,
Prime Minister.

The attention of the Minister of Justice is called to Article XXVI of the Treaty of Washington, which reads as follows:—

"The navigation of the Rivers Yukon, Porcupine, and Stickine, ascending and descending, from, to, and into the sea, shall for ever remain free and open for the purposes of commerce to the subjects of Her Britannic Majesty and the citizens of the United States, subject to any Laws and Regulations of either country within its own territory not inconsistent with such privilege of free navigation."

The Minister of Justice is requested to advise whether, under that Article, British ships, laden with goods intended for the Yukon district, are entitled on arriving at or near Wrangel at the mouth of the Stickine to tranship their cargoes into flat-bottomed British boats or ships and transport them through that portion of the Stickine River flowing through American territory without paying duty thereon and without bonding the goods.

(Signed) WILFRID LAURIER.

February 26, 1898.

In view of the urgency of the situation respecting transportation to the Yukon district the Government have made a Contract for the construction of a railway by the Stickine River.

Contract now before Parliament for ratification.

For the effective use of route very necessary that transhipment at Wrangel should be permitted by Regulations to be issued under Section 26 Washington Treaty. Understood that Treasury Department at Washington have this subject under consideration.

Also understood that Members of Congress have initiated legislation looking toward hostile Regulations.

Despatch setting out situation fully is going forward. Copy of same being sent today to Sir Julian Pauncefote.

Suggested that Sir Julian Pauncefote interview State Department in interest of friendly Regulations permitting transhipment.

Do not know that it is intended to refuse transhipment, but suggested for consideration that it might be well to interview State Department in advance.

No. 63.

The Marquess of Salisbury to Mr. Hay.

Your Excellency,

Foreign Office, April 3, 1898.

I HAVE had the honour to receive your note of the 24th ultimo, and I beg leave to request that the thanks of Her Majesty's Government may be conveyed to the Government of the United States for the set of maps of the Alaska boundary which they have been good enough to forward for presentation by your Excellency.

I am, &c.

(Signed) SALISBURY.

No. 64.

Colonial Office to Foreign Office.—(Received April 4.)

Sir,

Downing Street, April 4, 1898.

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquess of Salisbury, with reference to the letter from this Department of the 7th March, a copy of a despatch from the Earl of Aberdeen on the subject of Canadian Regulations adopted for the territory of Yukon.

I am, &c.

(Signed) EDWARD WINGFIELD.

Inclosure 1 in No. 64.

The Earl of Aberdeen to Mr. Chamberlain.

(Confidential.)

Sir,

Government House, Ottawa, March 14, 1898.

IN reply to your cypher message of the 9th instant, asking for information as regards Transportation, Customs, and Navigation Regulations adopted by this Government for the Territory of Yukon, I have the honour to forward herewith, copy of an approved Minute of the Privy Council for Canada, submitting the desired information.

I have, &c.

(Signed) ABERDEEN.

Inclosure 2 in No. 64.

Extract from a Report of the Committee of the Honourable the Privy Council, approved by the Governor-General on the 14th March, 1898.

THE Committee of the Privy Council have had under consideration a despatch, hereto annexed, dated the 9th March, 1898 (Secret), from the Right Honourable the Secretary of State for the Colonies, asking for full information as to Transportation, Customs, and Navigation Regulations adopted by the Canadian Government for Alaska.

The Minister of Customs, to whom the said despatch was referred, reports that the Regulations contained in the following documents herewith submitted have been adopted, and apply to transportation, customs, and navigation in Alaska and Canada, as therein set forth, viz. :—

1. Coasting Regulations, together with Regulations respecting foreign trading-vessels approved by Order in Council of the 25th July, 1888.

2. Memorandum No. 966 B, issued by the Customs Department of Canada, the 9th February, 1898, respecting entry of goods into the Yukon district and Stickeen, and containing also Regulations for carrying goods of the United States and other foreign goods in transit through Canada, from Juneau, Alaska, to Circle City, or other points in Alaska, United States, via Chilkoot or White Pass.

3. Memorandum issued by the Customs Department on the 21st February, 1898, respecting temporary Regulations *re* entry of Canadian goods into Yukon district during season of 1898, when carried in foreign vessels via St. Michael.

4. Customs Act.

5. Customs Tariff.

The Minister further reports that copies of the Regulations as to foreign trading vessels were transmitted by your Excellency on the 3rd March last to Her Majesty's Ambassador to the United States, with the statement that trading vessels of the United States may navigate the waters of the Yukon, Porcupine, and Stickeen Rivers in Canadian territory on compliance with the said Regulations *re* foreign trading vessels and under the provisions of the Customs Act, which are at present in force, subject, however, to such amendments of said Act and Regulations hereafter, from time to time, as may be deemed necessary, and that particular attention be directed to Sections 1, 2, 3, and 7 of the Regulations *re* foreign trading vessels.

The Committee advise, on the recommendation of the Minister of Customs, that your Excellency be moved to transmit a certified copy of this Minute, together with the documents herewith submitted, to the Right Honourable the Principal Secretary of State for the Colonies for the information of Her Majesty's Government.

All of which is respectfully submitted for your Excellency's approval.

(Signed)

JOHN J. MCGEE,

Clerk of the Privy Council.

FIELD.

Memorandum.

Temporary Regulations re Entry of Canadian Goods into Yukon District during Season of 1898, when carried in foreign Vessels vid St. Michael.

Referring to Memorandum No. 966 B, dated the 9th February, 1898, re entry of goods into Yukon district and Stickeen, Collectors of Customs in the Yukon provisional district are hereby instructed that goods purchased in Canada (duty paid or produce of Canada) may be admitted free of duty into the said district during the year 1898, unless otherwise ordered, when carried by St. Michael and the Yukon River from a port in Canada or of the United States, notwithstanding that the transportation by water is partly or wholly by a foreign vessel, subject, however, to the following Regulations prescribed by the Minister of Customs:—

(a.) A manifest or invoice, duly certified and containing a particular description of the merchandize by packages, marks, numbers, and contents, shall be presented to the Customs officer at the Canadian port of entry in the Yukon district.

(b.) When the goods are shipped from a port in British Columbia, the certificate of a Canadian Customs officer may be indorsed on the manifest or invoice, to the effect that the goods described have been shipped duty free from a port in British Columbia (the same as in Section 5 (a) of Memorandum No. 966 B).

(c.) When goods purchased in Canada, as aforesaid, are forwarded through the United States, it is directed that the manifest or invoice shall have thereon a certificate of the Canadian exporter or his agent attested before a Customs officer in Canada as near as may be in the form and to the effect set forth hereafter in schedule (Form 1 c).

(d.) The identity of the goods shall be established to the satisfaction of the Customs officer at the port of entry in the Yukon district, and shall be attested by the oath of the importer or his agent.

2. Although one invoice only is required for Canadian Customs purposes, it will be advisable for parties purchasing goods in Canada to provide themselves with invoices in duplicate duly certified, so as to avoid trouble and delay in passing entries, in case of lost or stray invoices.

3. Customs officers in the Yukon district are required to examine the marks and numbers on the packages landed, comparing the same carefully with the invoices, and opening such packages as may be necessary for examination.

4. The foregoing Regulations are temporary, applying only to the entry of Canadian goods via St. Michael and the Yukon River, and ceasing to apply to any such Canadian goods carried in foreign bottoms after the season of 1898.

(Signed)

JOHN McDOUGALD,
Commissioner of Customs.

Customs Department, Canada, Ottawa,
February 21, 1898.

FORM 1C.

Certificate (from Canadian Exporter or his Agent) for the Yukon Trade, vid St. Michael, during 1898.

I, _____, do solemnly declare and certify the foregoing to be the true and correct invoice of goods, duty paid or the produce of Canada, with the marks and numbers of the packages in which shipped per _____ to _____ and as sold by the said _____ on account of _____.

The said invoice being dated at _____ and amounting to _____ dollars.

(Signature) _____

Sworn to at _____ this _____ day of _____, 1898.

Before me, _____
Customs Officer.

(Customs stamp.)

No. 65.

Foreign Office to the Law Officers of the Crown.

Gentlemen,
Foreign Office, April 4, 1898.
I HAVE the honour to transmit to you, by direction of the Marquess of Salisbury, the accompanying papers relating to the question of the extent and character of the obligations which devolved on the United States' Government in consequence of their purchase of the Territory of Alaska from Russia in 1867.

Article VI of the Treaty between this country and Russia of 1825 (Paper A), states:—
"It is understood that the subjects of His Britannic Majesty, from whatever quarter they may arrive . . . shall for ever enjoy the right of navigating freely, and without any hindrance whatever, all the rivers and streams which in their course towards the Pacific Ocean may cross the line of demarcation upon the line of coast described in Article III of the present Convention."

This arrangement was re-enacted by Article XIX of the Treaty of 1859 (Paper B).
When the Territory was ceded to the United States by Russia by the Treaty of the 30th March, 1867 (Paper C), the cession was declared (in Article VI), "to be free and unincumbered by any restrictions, privileges, franchises, grants, or possessions, by any associated Companies, whether corporate or incorporate, Russian, or any other, or by any parties, except merely private individual property-holders; and it was added that "the cession hereby made conveys all the rights, franchises, and privileges, now belonging to Russia in the said Territory or dominion and appurtenances thereto."

On the 26th December, 1867, the Queen's Advocate having been consulted on the matter, reported that the United States were bound by the Articles from the Treaty of 1825 as regards the limits of the ceded Territory, these Articles having been recited in the Treaty of 1867, but that "as regards the other Articles . . . , none of the obligations contracted by Russia towards Great Britain under those Articles devolve upon the United States by virtue of the Treaty of Cession."

Subsequently, by Article XXVI of the Treaty of Washington of 1871 (Paper D), between the United States of America and Great Britain, it was provided that "the navigation of the Rivers Yukon, Porcupine, and Stikine, ascending and descending from, to, and into the sea, shall for ever remain free and open for the purposes of commerce to the subjects of Her Britannic Majesty, and to the citizens of the United States, subject to any Laws and Regulations of either country within its own territory, not inconsistent with such privilege of free navigation."

It should be observed that the cases of the Yukon and Porcupine are not covered by the Treaty of 1825, but that the Stikine is among the rivers declared by that Treaty to be for ever free to British subjects. It must also be remembered that Article XXVI of the Treaty of Washington is in the form of a reciprocal agreement, and that by the first portion of the Article, similar advantages were accorded to the citizens of the United States in the River St. Lawrence.

In 1876-77, the question of the right to the free navigation of the Stikine through Alaska was again raised in connection with the conveyance in the custody of British colonial constables, of a convicted prisoner, named Peter Martin, from Laketown in British Columbia to Victoria in the same Colony. The journey was performed by boat upon the Stikine River, which for some considerable distance between the two places mentioned, flows wholly through United States' (Alaska) Territory. Peter Martin alleged that he was a United States' citizen, and the United States' Government claimed his surrender on the ground (amongst others) that his conveyance through Alaska was, in such circumstances, illegal.

The papers were referred to the Law Officers of the Crown and to Dr. Deane, Q.C., who, on the 2nd June, 1877, reported that the surrender of Peter Martin should be conceded on the ground that the unauthorized conveyance of a prisoner through the territories of a foreign Power is an infraction of the rights of sovereignty of such Power.

In the course of their Report, the Law Officers made the following observations with reference to the rights of Great Britain in regard to the free navigation of the Stikine:—

"Whether Great Britain, on the sale of Alaska by Russia to the United States in 1867, lost her rights to the free and unrestricted navigation of the rivers flowing through that Territory to the sea, secured to her by the Convention with Russia of 1825, depends upon the construction of the VIth clause of the Convention of 1825.

"That clause gives to British subjects the right of free navigation upon the rivers in question in perpetuity, and Russia could not, in our opinion, voluntarily, and without the consent of Great Britain, withdraw this permission.

"By clause VI, however, of the Treaty of the 30th March, 1867, between Russia and the United States, Russia declared the cession of the Territory and dominion to be free and unincumbered by any reservation, &c., and, therefore, did virtually revoke the permission she had granted, and by so doing gave Great Britain ground for serious complaint."

"2. Whatever might have been the nature of the right conferred upon Great Britain by the Convention of 1825, we are of opinion that by the subsequent conduct of her Government, especially by the negotiations which led to the Treaty of Washington, and by that Treaty itself, she has lost that right. It may be suggested that the 26th clause of the Treaty of Washington was merely declaratory, but we cannot take this view. We consider that, fairly construed, the stipulations in that clause give new rights, and amount to that extent, and in that sense, to an admission that any former rights were abrogated.

"3. If the rights of free navigation under the Convention of 1825 still existed, we should doubt very much whether the conveying a prisoner through American waters, and still more the landing him in custody upon American territory, would be within the terms of the Convention."

The consideration arising out of these papers are discussed in the correspondence which has recently passed between this Department and the Colonial Office. (Papers G. and H.)

Mr. Secretary Chamberlain suggests that in reporting on the case of Peter Martin in 1877, the Law Officers (see Paper F) were probably not in possession of the circumstances in which the Treaty of 1825 was concluded, or of the actual text of the Treaty of 1867, which is quoted in the present letter.

With regard to the Treaty of Washington of 1871, it is urged that Article XXVI does not contain anything which can be construed as waiving the rights of British subjects under the Treaty of 1825 of freely navigating the Lower Stikine.

I am also to inclose a further correspondence between this Department, the Colonial Office, and Her Majesty's Ambassador at Washington respecting the Regulations to be issued by the United States' Government for the navigation of the Stikine. It will be seen that the Canadian Government have made a contract for the construction of a railway to the gold-fields by the Stikine River, and that for the effective use of this route it is very necessary that the Regulations to be issued by the United States under Article XXVI of the Treaty of Washington, should permit transhipment at Wrangel.

Sir J. Pouncefote's telegram No. 12 of the 7th March (Paper K) contains a summary of the conditions under which in the Bill now before the United States' Congress, it is proposed that such transshipment and bonding privileges at Wrangel should be granted.

These conditions, in the opinion of the Secretary of State for the Colonies, are entirely inconsistent with the Treaty rights mutually guaranteed to British subjects and American citizens. (Colonial Office letter, 9th March, 1898, Paper L.)

It is urged that the Regulations contemplated by Article XXVI of the Treaty are obviously only such as are required for the purposes of safeguarding the revenue, and of preserving law and order; and that the proposals in the Bill can only be described as an attempt to secure from Her Majesty's Government important political concessions under penalty of being otherwise excluded from the enjoyment of rights already secured by Treaty.

On the 17th March, Sir J. Pouncefote was accordingly instructed (Telegram No. 22, Paper M), should his Excellency consider that the Bill was likely to pass with these conditions, to make representations against the imposition of any restrictions on the exercise of the Treaty right of free navigation which must be held to include the right of transshipment under proper Regulations.

His Excellency has not yet reported whether he has taken any action on these instructions.

Copies of the Regulations issued by the Dominion Government, under which foreign vessels may navigate the Canadian waters of the Stikine, Porcupine, and Yukon Rivers, subject to the provisions of the Customs Act, are annexed (Colonial Office, 21st March, 1898, Paper O), as well as a letter which has been received from the Colonial Office, inclosing a Report from the Canadian Minister of Justice, stating very fully the view taken by the Canadian Government with regard to the construction of Article XXVI of the Treaty of Washington. (Paper P, Colonial Office letter of the 31st March, and inclosure.)

I am to request that Lord Salisbury may be favoured with your opinion as to whether, in virtue of the Treaty of 1825 with Russia, as revived by the Treaty of 1859, Her Majesty's Government can still claim from the United States the right of navigating freely, without any hindrance whatever, all the rivers and streams which in their course towards the Pacific may cross the line of demarcation upon the strip of coast described in Article III of the former Treaty, and also as to the rights of this country under Article XXVI of the Treaty of Washington, in regard to the free navigation of the Stikine, including the right of transshipment at Wrangel.

As the proposed United States' Regulations are already under discussion in Congress, I am to say that the Secretary of State would be glad to receive a reply to this letter at your earliest convenience.

I have, &c.

(Signed) F. H. VILLIERS.

List of Papers.

(A.) Convention with Russia	February 28, 1825
(B.) Treaty with Russia	January 12, 1859
(C.) Treaty between Russia and the United States	March 30, 1867
(D.) Treaty with the United States	May 8, 1871
(E.) Minute on P. Martin's case	March 26, 1877
(F.) Law Officers' Report	June 2, "
(G.) To Colonial Office	March 8, 1898
(H.) Colonial Office	10, "
(I.) Ditto	2, "
(J.) To Sir J. Pouncefote (No. 16, Telegraphic)	2, "
(K.) Sir J. Pouncefote (No. 12, Telegraphic)	7, "
(L.) Colonial Office	9, "
(M.) To Sir J. Pouncefote (No. 22, Telegraphic)	17, "
(N.) Colonial Office	18, "
(O.) Ditto	21, "
(P.) Ditto	31, "

No. 66.

Colonial Office to Foreign Office.—(Received April 8.)(A.)
(Confidential.)

Sir,

Downing Street, April 7, 1898.

WITH reference to your letter of the 28th ultimo respecting the delimitation of the Alaska boundary, I am directed by Mr. Secretary Chamberlain to transmit to you, to be laid before the Marquess of Salisbury, a paraphrase of a telegram from the Governor-General of Canada to the effect that a despatch is being forwarded stating the reasons why his Ministers demur to the proposal to proceed to the demarcation of the boundary under the Convention of 1892, though they are prepared to agree, without prejudice, to the fixing of a provisional line at the watershed at the head of the Lynn Canal.

Pending the receipt of the despatch promised, Mr. Chamberlain is, of course, unable to say what are the reasons which lead the Dominion Government to demur to action under the Treaty of 1892, but it is, no doubt, due to their belief, which, as Lord Salisbury is aware, Mr. Chamberlain shares, that any discussion by Commissioners representing the parties will lead to no result unless an umpire is appointed whose decision is to be final.

The wide divergence of views between the Canadian and United States' Governments as to the location of the boundary will be readily seen on comparing the boundary as shown on Stanford's Map and defined in the Minute of Council inclosed in the Governor-General's despatch, of which a copy is sent herewith, and as will be seen from the accompanying Memorandum, prepared in this Department, the fact that from Portland Channel to Glacier Bay there is no such continuous range of mountains situated parallel to the coast, as was contemplated by the Treaty, leaves the matter in a position in which there is room for considerable diversity of opinion.

There are in fact only two indications left in the Treaty, namely, that the line is to be parallel to the sinuosities of the coast, and that it is never to exceed the distance of 10 leagues from the coast of the Pacific Ocean. This latter condition is entirely inconsistent with the boundary claimed by the United States, which appears to be a line never nearer to the coast than 10 leagues, and not one never farther from it than that distance.

Looking to the wide range of the windings of the coast, the tracing of a boundary complying with these two conditions would be a difficult task, and where there is room for so much divergence of opinion, it is impossible to expect that any agreement can be reached by discussion.

The United States' Government are, of course, within their right in desiring that the discussion contemplated by the Convention of 1892 should be exhausted before a fresh Convention is entered upon; it must be obvious to them that such a discussion, without any provision for a final determination by arbitration can only lead to delay, and in the meantime interests are being daily created in disputed territory the adjustment of which, when the boundary has been fixed, will give rise to fresh difficulties.

It would appear from the Governor-General's telegram of the 31st ultimo that the watershed at the first summit north of Dyea on the Lynn Canal is already ascertained, and as that summit is far more than 30 marine miles from the Ocean, Mr. Chamberlain presumes that the United States will make no difficulty in accepting it provisionally, without prejudice to the claims of either Party.

He would suggest, therefore, that Sir J. Pauncefort should be instructed to suggest that provisional line without prejudice to the claim of Great Britain to a line at a distance not exceeding 10 marine leagues from the coast of the ocean, and that, if he considers that a supplementary Convention providing for a final adjustment by arbitration of the whole question, has in present circumstances a better chance of being accepted by the Senate, he should press the President to agree to the immediate negotiations of such a Convention on the lines laid down in Lord Salisbury's telegram of the 19th February last.

I am, &c.
(Signed) EDWARD WINGFIELD.

Inclosure 1 in No. 66.

The Earl of Aberdeen to Mr. Chamberlain.

(Telegraphic.) P.

[Undated.]

IN reply to your telegram of the 8th instant, Alaska Boundary, a despatch is being forwarded, stating that reasons why my Government demur to determination of provisional line under Convention of 1892, but they see no objection to provisional arrangement with United States on basis of line drawn by watershed at first summit north of Dyea.

Inclosure 2 in No. 66.

The Earl of Aberdeen to Mr. Chamberlain.

Sir,

Government House, Ottawa, March 4, 1898.

I HAVE the honour to forward herewith a copy of an approved Minute of the Privy Council submitting a Memorandum from my Minister of the Interior, in which he deals with the question of the boundary between Canada and Alaska, and to which is attached a map showing that boundary marked in accordance with what this Government conceives to be the true intent and meaning of the Convention entered into by Great Britain and Russia in 1825.

You will observe that my Ministers consider it advisable that negotiations should be entered into with the Government of the United States with a view to an early settlement and final demarcation of this boundary-line.

I have, &c.

(Signed) ABERDEEN

Inclosure 3 in No. 66.

Extract from a Report of the Committee of the Honourable the Privy Council, approved by the Governor-General on the 28th February, 1898.

THE Committee of the Privy Council have had under consideration the annexed Memorandum dated the 28th February, 1898, from the Minister of the Interior dealing with the question of the boundary between Canada and Alaska, together with a map on which this boundary is shown according to the true intent and meaning of the Convention entered into in 1825 between Great Britain and Russia.

The Committee, concurring in the said Memorandum, advise that your Excellency be moved to transmit a certified copy of this Minute, together with the said Memorandum and map, to the Right Honourable the Secretary of State for the Colonies for the information of Her Majesty's Government, as a statement of the position of the Government of Canada in the matter, and to represent the advisability of entering into negotiations with the Government of the United States with a view to an early settlement and final demarcation of the line in question.

All which is respectfully submitted for your Excellency's approval.

(Signed)

JOHN J. MCGEE,

*Clerk of the Privy Council.**Department of the Interior, Canada,**Ottawa, February 28, 1898.*

To his Excellency the Governor-General in Council:

THE Undersigned has the honour to submit the accompanying Memorandum dealing with the question of the boundary between Canada and the territory of Alaska, together with a map, on which this boundary is shown according to the true intent and

[1075]

P

meaning of the Convention entered into in 1825 between Great Britain and Russia, that is to say, from Cape Chacon, the southernmost point of Prince of Wales' Island, to the north along the channel to strike the continent at the 56th degree of north latitude, and thence along the summit of the mountains situated parallel to the coast to the 141st degree of west longitude, and thence along the meridian of the said degree to the Arctic Ocean.

The territory adjacent to that portion of this boundary-line which lies to the east of the 141st degree of longitude was surveyed by the Commissioners who were appointed under the 1st Article of the Convention entered into in 1892 between Great Britain and the United States to ascertain the facts and data necessary to the permanent delimitation of said boundary-line. The accompanying map, made on the scale of $\frac{1}{500,000}$ of the natural scale, with contour lines for each 1,000 feet measured from the sea-level, has been compiled from the maps submitted by the said Commissioners with their joint Report dated the 31st December, 1895.

The Undersigned begs to point out that the boundary-line as drawn upon this map in accordance with the provisions of the Convention of 1825 differs widely from that claimed by officials of the United States, who, it is understood, assume that the jurisdiction of the United States extends over an area of the continent bounded by a line everywhere 10 marine leagues distant from the nearest point of tide-water. On Lynn Canal a United States' Customs sub-port has been established at Dyea in what is rightfully Canadian territory. In view of this fact, as well as of the increasing importance of the whole territory adjacent to the boundary-line, it was desirable that the provision of the 1st Article of the Convention of 1892, by which "The High Contracting Parties agree that, as soon as practicable after the report, or reports, of the Commissioners shall have been received, they will proceed to consider and establish the boundary-line in question," be acted upon.

The Undersigned, therefore, has the honour to recommend that your Excellency be moved to transmit the Memorandum and map to Her Majesty's Government as a statement of the position of the Government of Canada in the matter, and to represent the advisability of entering into negotiations with the Government of the United States with a view to an early settlement and final demarcation of the line in question.

Respectfully submitted.

(Signed)

CLIFFORD SIFTON,
Minister of the Interior.

Memorandum.

The Russian possessions and rights on the north-west coast of America, passed by the Treaty between Russia and the United States, dated the 30th March, 1867, to the United States. The Russian possessions on this coast are described and their rights set forth in the Convention entered into between Great Britain and Russia in 1825, to which Convention, accordingly, reference must be had to determine the territorial boundary between Canada and the United States' Territory of Alaska.

Those Articles of the Convention of 1825 which have especial reference to the location of the territorial boundary are Nos. III and IV, which read as follows:—

"Article III. The line of demarcation between the possessions of the High Contracting Parties upon the coast of the continent and the islands of America to the north-west shall be drawn in the manner following:—

"Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54° 40' north latitude and between the 131st and 133rd degree of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Channel as far as the point of the continent where it strikes the 56th degree of north latitude; from this last-mentioned point the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude (of the same meridian); and, finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far the Frozen Ocean, shall form the limit between the Russian and British possessions on the Continent of America to the north-west.

"Article IV. With reference to the line of demarcation laid down in the preceding Article, it is understood:—

"1. That the island called Prince of Wales Island shall belong wholly to Russia.

"2. That wherever the summit of the mountains which extend in a direction parallel to the coast (from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude) shall prove to be at the distance of more than 10 marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the windings of the coast, and which shall never exceed the distance of 10 marine leagues therefrom."

1. In this description it is to be observed:—

The point of commencement is the southernmost point of Prince of Wales Island; it is not the parallel of 54° 40', nor its intersection with any meridian of longitude. The stated latitude and longitudes are recorded for the purposes of identification merely.

Prince of Wales Island is the large island lying to the north of Dixon Entrance, between latitude 54° 40' (approximately) and 56° 20', and to the west of Clarence Strait. The island has borne this name since the time of the surveys by Captain Vancouver in 1793 and 1794. The southernmost point of the island is Cape Chacon, the latitude of which, as determined by the Commissioners under the Convention of 1892, is 54° 41' 4", and the longitude 132° nearly. Cape Chacon is then the point of commencement of the line of demarcation.

2. From the said point of commencement the said line is to ascend to the north along the channel called Portland Channel as far as the point of the continent where it strikes the 56th degree of north latitude, and this line along the channel is to be drawn in such a manner that the island called Prince of Wales Island shall belong wholly to Russia (that is, to the United States). That is to say, the continental territory of the United States is to terminate in latitude 56°. South of that point, the island called Prince of Wales Island is to belong to the United States, together with such small islands as may lie adjacent to the shores of Prince of Wales Island and to the west of the middle of the channel separating it from the mainland; but the description cannot be held to include, besides Prince of Wales Island, such considerable islands as Revillagigedo and the Gravina Islands. Hence, "Portland Channel" of the Convention is not to be identified with the waters named on modern maps—"Portland Inlet" and "Portland Canal." Furthermore, the entrances to Portland Canal and Portland Inlet lie 50 miles nearly east from Cape Chacon, whereas the direction of the Convention is to "ascend to the north;" and, again, Portland Canal does not extend as far north as the parallel of 56 degrees north latitude. The line, therefore, is to be drawn as shown on the accompanying map. Beginning at Cape Chacon, thence up the middle of Clarence Strait to the entrance to Ernest Sound and of Seward Passage, which divides Deer Island from the mainland, reaching the 56th parallel in this passage. The line is thence to be drawn to the summit of the mountains situated parallel to the coast, along which summit, by the following provisions of the Convention, the line is to be drawn.

3. From this last-mentioned point—that is to say, the point where the 56th parallel intersects the summit of the mountains situated parallel to the coast—the line of demarcation "shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude," subject to the 10 marine league limit of Article IV. With regard to this, it is to be observed that, to comply with the requirements of the Convention, it is necessary to find a succession of mountains extending in a direction parallel to, or alongside the coast, and within 10 marine leagues therefrom. It is not required that these mountains should be 10 marine leagues from the coast, or approximately so, nor does any intention appear of giving to Russia a definite area or a strip of definite breadth. The sole office of the provision relating to the 10 marine leagues is to provide, as a safeguard, a limit, beyond which the line of demarcation is not, under any circumstances, to recede. The framers of the Convention assume that there are mountains nearer the coast than 10 marine leagues, an assumption in accordance with the facts, and these mountains the line is to follow. If there is a break or recession in the mountains, the line is to cross this break, keeping its general direction parallel to the coast. It makes no difference what causes the break—whether the recession of the mountains, a river, valley, or arm of the sea not wide enough to be considered part of the ocean—for, by Article IV, the coast is defined as synonymous with the limit of the ocean.

Furthermore, it is evident, both from the language of Article III, as well as the reference in Article VI of the Convention to the "line of coast" (in the French original "lisière de la côte"—that is, literally, marginal strip or border of the coast), that the tops of the mountains nearest the coast are intended.

The line of demarcation: in accordance with the principles herein set forth is shown by the red line upon the accompanying map, which is an accurate reduction from the maps made by the Commissioners under the Convention of 1892, and submitted with their joint Report, dated the 31st December, 1895, to a scale of $\frac{1}{250,000}$ of the natural scale, and with contour lines indicating every 1,000 feet of elevation above the sea.

The meridian of 141° west longitude is encountered on the summit of a mountain ridge 11,565 feet high, situated to the north-west of Libby Glacier and some 3 miles south-west from the peak of Mount St. Elias.

From this last point the line of demarcation is to follow the 141^{st} degree of longitude as far as the Frozen Ocean. No map or topographical description is necessary to elucidate this provision. The line is a purely mathematical one, to be determined by the usual processes of astronomy and geodesy.

(Signed)

CLIFFORD SIFTON

Minister of the Interior.

Department of the Interior, Canada,
Ottawa, February 28, 1898.

Inclosure 4 in No. 66.

Memorandum by Mr. Anderson on the Alaska Boundary.

ARTICLE III of the Treaty of 1825 provides: "La ligne de démarcation entre les possessions des Hautes Parties Contractantes sur la côte du continent et les îles de l'Amérique nord-ouest, sera tracée ainsi qu'il suit:—

"A partir du point le plus méridional de l'île dite Prince of Wales, lequel point se trouve sous la parallèle du 54° degré 40 minutes de latitude nord et entre le 131° degré de longitude ouest (méri dien de Greenwich), la dite ligne remontera au nord le long de la passe dite Portland Channel, jusqu'au point de la terre ferme où elle atteint le 56° degré de latitude nord; de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la côte, jusqu'au point d'intersection du 141° degré de longitude ouest (même méridien); et, finalement, au dit point d'intersection, la même ligne méridienne du 141° degré formera, dans son prolongement jusqu'à la Mer Glaciale, la limite entre les possessions Russes et Britanniques sur le continent de l'Amérique nord-ouest.

"Article IV. Il est entendu, par rapport à la ligne de démarcation déterminée dans l'Article précédent:—

"1. Que l'île dite Prince of Wales appartiendra tout entière à la Russie.

"2. Que partout, vu la crête des montagnes qui s'étendent dans une direction parallèle à la côte depuis le 56° degré de latitude nord au point d'intersection du 141° degré de longitude ouest, se trouverait à la distance de plus de 10 lieues marines de l'Océan, la limite entre les possessions Britanniques et la lisière de côte mentionnée ci-dessus comme devant appartenir à la Russie, sera formée par une ligne parallèle aux sinuosités de la côte, et qui ne pourra jamais en être éloignée que de 10 lieues marines."

The official maps now received from Canada and the United States show the extraordinary divergence of interpretation to which the boundary thus defined is open, or, at any rate, claimed to be open. Both maps are indefensible, and perhaps, of the two, that of the Dominion is the most objectionable.

It will be seen that along the whole of the strip they coincide only at the starting-point—the southernmost point of Prince of Wales Island.

The question then arises, how is the line to proceed after it leaves that point, which the Treaty describes as lying in 54° $40'$ north latitude, and between 131° and 133° west longitude. The reason for the vagueness with which the longitude is stated is obvious in looking at the map, as the island was supposed to terminate in two points—Capes Muzon and Chacou, the position of which had not been very accurately

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ascertained in 1825; and it was part of the arrangement that the whole of the island should belong to Russia; and a line from the westernmost point, if it should have proved to be the most southerly, would, if proceeding in a northerly direction, have cut off a small part of the eastern extremity.

It will be seen, on reference to Sir C. Bagot's despatch, and inclosures, of the 7th October, 1823, and the 29th March, 1824, that the Russians from the outset of the negotiations abandoned the claim to extend their boundary to 51° north latitude, as put forward in the Ukase of 1821, and only expressed their determination to adhere to the 55°, which was the line claimed in the earlier Ukase of the Emperor Paul in 1799; and their first formal proposition, in reply to Sir C. Bagot's proposal for a line through Chatham Straits to the head of the Lynn Canal, was as follows:—

"Les propositions faites par les Plénipotentiaires de Russie à Sir Charles Bagot, que son Excellence a été priée de prendre en mûre considération, tendoient à faire admettre le 55° degré de latitude septentrionale comme ligne de démarcation entre les possessions respectives sur la côte nord-ouest de l'Amérique. F.O. Print 6225, pp. 43 and 46.

"Cette même limite a déjà été assignée aux possessions Russes par la charte que l'Empereur Paul I^{er} accorda à la Compagnie Américaine. Ibid., p. 59.

"Comme la parallèle du 55° degré coupe l'île du Prince de Galles dans son extrémité méridionale, laissant en dehors deux points de terre, les Plénipotentiaires de Russie ont proposé que ces deux points fussent comprises dans les limites Russes, voulant éviter par là une division de territoire également incommode aux deux Parties intéressées.

"Pour compléter la ligne de démarcation et la rendre aussi distincte que possible, les Plénipotentiaires de Russie ont exprimé le désir de lui faire suivre le Portland Canal jusqu'aux montagnes qui bordent la côte.

"De ce point, la limite monteroit le long de ces montagnes parallèlement aux sinuosités de la côte jusqu'à la longitude du 139° degré (méridien de Londres), degré où la ligne de prolongation vers le nord formeroit la limite ultérieure entre les possessions Russes et Angloises au nord comme à l'est.

"Le motif principal qui force la Russie à insister sur la souveraineté de la lisière indiquée plus haut sur la terre ferme depuis le Portland Canal jusqu'au point d'intersection du 60° avec le 139° de longitude, c'est que, privée de ce territoire, la Compagnie Russo-Américaine n'auroit aucun moyen de soutenir les établissemens qui existeroient dès lors sans point d'appui, et qui ne pourroient avoir aucune solidité."

It will be seen from this that they insisted on the whole of Prince of Wales Island, and that the boundary on the opposite mainland was to begin at the Portland Canal. From this they never swerved throughout. They did not wish the hunting and trading operations of the Russo-American Company on the islands to be exposed to the competition of their great rivals, the Hudson Bay Company, and insisted on a strip of continental coast sufficient to prevent this. Sir C. Bagot, while willing to follow them the 55th parallel as their island boundary, tried in vain to get a more northerly limit on the continent, but they flatly refused, and Sir C. Bagot had to refer to further instructions.

The Russians at the same time instructed Count Lieven, their Ambassador here, to make representations to the British Government as to the justice of their demands. This was done in a despatch from Count Nesselrode, the Foreign Minister, to Count Lieven, of the 17th April, 1824, in which the arguments and proposals already quoted were renewed and reinforced, and it is evident that the Russian demand was for the whole of Prince of Wales Island and for the point on the continent nearest to the 55th parallel which offered a natural boundary. Ibid., p. 33.

In his reply to the counter-proposal of the Russian Plenipotentiaries, Sir C. Bagot suggested that the line should proceed from the southern extremity of Duke of Clarence's Sound, along the middle of the strait, to the middle of the strait separating Prince of Wales Island and Duke of York Island from the islands to the north, and debouching on the mainland at 56° 30' north latitude. Ibid., pp. 61 and 62.

This line follows the line claimed in the map just furnished by Canada as far as Duke of York Island, where the Canadian line turns to the east, so as to leave Duke of York Island to the United States, and debouches on the coast at latitude 60° north.

Unfortunately for this claim, the correspondence shows that when Canning received Sir C. Bagot's despatch of the 29th March, and Count Nesselrode's despatch to Count Lieven of the 17th April, he took the Hudson Bay Company into council, and the Chairman wrote, under date the 19th April, 1824, to the effect that if His Majesty's Government considered it advisable in other respects to accede to the Ibid., p. 63.

proposals of the Russian Government, they saw no reason to object to them so far as their particular interests were concerned, more especially as the free navigation of the rivers secured them free access to the sea for the purposes of trade.

F.O. Print 6725,
p. 65.

Upon this, Canning, on the 29th May, 1824, informed Count Lieven that Sir C. Bagot's discretion would be "so far enlarged as to enable him to admit, with certain qualifications, the term last proposed by the Russian Government." These qualifications were to consist chiefly in a more definite description of the limit to which the *strip of land* required by Russia on the continent was to be restricted, the selection of a somewhat more western degree of longitude (than 139°, first asked for as the boundary north of Mount Elias, and precise and positive stipulations for the free use of rivers, and of all seas, straits, &c., within the Russian limits. In other words, Canning proposed to yield to the Russian demand for Portland Canal as the boundary, taking, in compensation, 2 degrees more of longitude to the north of Mount Elias.

Ibid., p. 66.

The instructions to Bagot were not sent till the 12th July, and they inclosed the draft of a Convention for the settlement of the whole question. In the covering despatch Canning says that rather than leave the matter unsettled for an indefinite time, "His Majesty's Government have resolved to authorize your Excellency to consent to include the south point of Prince of Wales Island within the Russian frontiers, and to take as the line of demarcation a line drawn from the southernmost point of Prince of Wales Island from south to north, through Portland Channel, till it strikes the mainland in latitude 56°," &c.

The draft Convention inclosed defines the boundary-line as "commencing from the two points of the island called 'Prince of Wales Island,'" which form the southern extremity thereof, which points lie in the parallel of 54° 40', and between the 131st and 133rd degrees of west longitude (meridian of Greenwich), the line of frontier between the British and Russian possessions shall ascend northerly along the channel called Portland Channel till it strikes the coast of the continent lying in the 56th degree of north latitude," &c.

The parallel French version of the part in italics is: "remontera, au nord, par la passe dite le Portland Channel, jusqu'à ce qu'elle touche à la côte de la terre ferme située au 56° degré de latitude nord," &c.

Ibid., p. 69.

The draft Convention did not quite satisfy the Russians, though in regard to the part of it, Sir C. Bagot, in sending home their "contre-projet," regarded their modifications of this part as unimportant, the main difficulty arising from the provision as to liberty of trade.

Ibid., p. 70.

This "contre-projet," Article I, says the line should be traced: "à partir de deux points qui forment l'extrémité méridionale de l'île dite du Prince de Galles laquelle appartiendra tout entière à la Russie, points situés sous la parallèle de 54° 40' de latitude nord, et entre les 131° et 133° de longitude ouest (méridien de Greenwich) la ligne de la frontière entre les possessions Russes et les possessions Britanniques remontera au nord par la passe, dite le Portland Channel, jusqu'au point où cette passe se termine dans l'intérieur de la terre ferme au 56° de latitude nord," &c.

This description implies that Portland Channel terminates at 56° north latitude, which it does not, and, indeed, it must have been well known that it did not at the time, as Vancouver's Charts and all the contemporary maps terminate it at about 55° 45'; and in the final Treaty this was provided for by saying that "la dite ligne remontera au nord le long de la passe dite Portland Channel, jusqu'au point où la terre ferme où elle atteint le 56° degré de latitude nord . . ." (i.e.) the line is to go north along the channel till it—the line—reaches the 56th degree of north latitude.

The Canadian contention, that the line is to proceed by Clarence Sound, is based on the words "remontera au nord," and the fact that Portland Canal does not terminate at the 56th parallel, and they maintain that Portland Channel is not to be identified with Portland Canal, but with Clarence Strait and the inlet known as "Ernest Sound."

The United States, on the other hand, maintain that from the south point of Prince of Wales Island, supposed by the negotiators, on the strength of Arrowsmith's Maps, to be in 54° 40' north latitude, the line was to proceed for 50 miles along the parallel to the mainland coast, striking it at the mouth of Observatory Inlet, to which in later times the name Portland Inlet has been given; and they found this claim on the fact that this inlet is the most navigable, and, further, on the assertion that the Treaty, in saying that Prince of Wales Island was to belong wholly to Russia, meant

Mr. Bayard to
Mr. Phelps,
November 4, 1845,
F.O. Print 5439,
pp. 4 and 8.
N.A. 119, p. 26.

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them so far as the small island called, in later times, "Wales Island," lying between Portland Channel or Canal and Observatory Inlet, as named on the older maps.

This contention, as well as the Canadian one, is untenable. In Canning's Draft the French version of which "remontera au nord" first appears, the phrase is used as equivalent to "shall ascend northerly," though in the English translation of the Treaty it is "shall ascend to the north." The correspondence shows that Portland Canal or Channel—the terms are used indifferently—was perfectly well known, and the contemporary maps show it as following the line of what is now called Pearce Channel and Portland Canal—being, in fact, as already mentioned, the first inlet giving a natural boundary below the 55th parallel, and it was on this ground that Russia asked for it, and stuck to it all through (see pp. 59 and 60 F.O. 6225). Moreover, Sir C. Bagot, in his "amended proposal," gives the entrance to the channel as 54° 45', which is the latitude of the entrance of Portland Channel as defined on Vancouver's Charts and other contemporary maps.

F.O. Print 6225,
p. 59.

If the fact is borne in mind that the continental line was to begin at 54° 45', while the island boundary—the south extremity of Prince of Wales Island—was supposed to be in 54° 40', Canning and the other negotiators were not inaccurate in describing the line from a point in 54° 40' to a point in 54° 45' as "ascending northerly" or "ascending to the north." Moreover, if the westernmost point of Prince of Wales Island (now found to be on a separate island) had proved to be the southernmost, a straight line from it to the mouth of Portland Canal might have cut off the tip of the south-eastern extremity of the island, and hence the insertion by the Russians of the provision that the whole island was to belong to Russia.

The definition already quoted from the Russian "contre-projet" to Canning's Draft jusqu'au point où cette passe se termine dans l'intérieur de la terre ferme," shows that the Canadian contention is untenable, even if it were not the case that Clarence Strait was perfectly well known and referred to by that name during the negotiations, so that it was not likely to be confused with Portland Canal or Channel. Ernest Sound, moreover, was named in Vancouver's Atlas by the name "Prince Ernest Sound," so that it was impossible for the negotiators with that before them to have spoken of a line through Clarence Strait and Ernest Sound as passing through Portland Channel.

Ibid., p. 69.

The claim of the United States that, by "Prince of Wales Island shall belong wholly to Russia" in the Treaty, Wales Island is meant is wholly untenable, as the previous Article in which it is stated that the southernmost point of the island lies between 131° and 133° west longitude shows unmistakably what island was referred to.

Vancouver, who gave Portland Canal its name, shows, both from his maps and voyages as quoted in Colonel Cameron's Report (N.A., 119, pp. 59-67), and, indeed, all the contemporary maps show, that it meant the first inlet below the 55th parallel, and it is equally clear, from what has been cited above as to the demands of Russia, that it was not the inlet below, but the one above Wales Island that was intended, and the line was, in fact, to be drawn in accordance with the first proposal of the Russians as summed up by Sir C. Bagot in his amended proposal (p. 59, F.O. 6225, p. 59):—

"Comme il a été convenu de prendre pour base de négociation les convenances mutuelles des deux pays, il est à remarquer, en réponse à la proposition faite par les Plénipotentiaires Russes, qu'une ligne de démarcation tracée de l'extrémité méridionale de l'Île de Prince de Galles jusqu'à l'embouchure du Canal de Portland, de là par le milieu de ce canal jusqu'à ce qu'elle touche la terre ferme, de là jusqu'aux montagnes qui bordent la côte, et de là le long de ces montagnes jusqu'à la longitude du 139° degré, &c., ôteroit à Sa Majesté Britannique la souveraineté de toutes ces anses et de ces petites baies qui se trouvent entre les latitudes 56° et 54° 45'."

Boundary from the entrance of Portland Channel.

Along the channel itself, the boundary presents no difficulty as it must, in accordance with the usual rule, follow the *medium filum aquæ*, and any islets there are must be insignificant and unlikely to cause trouble.

But once the origin or head of the channel is reached the difficulties begin. Vancouver's Charts and the Russian Maps of 1822 and 1826 show the head of the canal as in north latitude 54° 45', at the foot of the imaginary range of mountains which was selected as the boundary.

F.O. Print 6225,
p. 59.

In the first Russian proposal, presented as a counter-draft to Sir C. Bagot's demand for a line by Chatham Straits and the Lynn Canal, they asked "de lui faire suivre le Portland Canal jusqu'aux montagnes qui bordent la côte," and Sir C. Bagot in reply in describing the Russian proposed line says, it would be traced from Prince of Wales Island to the mouth of Portland Canal, "de là par le milieu de ce canal jusqu'à ce qu'elle touche la terre ferme, de là jusqu'aux montagnes qui bordent la côte," &c.

Ibid., p. 60.

In their observations on Sir C. Bagot's amended proposal the Russians speak of "le Portland Channel dont l'origine dans les terres est par le 56° degré de latitude nord," but lower down in the same paper they say "l'origine du Portland Channel, qui est au 56° parallèle."

Count Nesselrode, in his despatch to Count Lieven of the 17th April, 1824, says, "dont . . . l'origine dans les terres entre le 53° et 56° de latitude" (F.O. 6225, p. 33).

Ibid., p. 66.

In Canning's despatch of the 12th July, 1824, the line is to be drawn "from south to north through Portland Channel till it strikes the mainland in latitude 56° and in the draft Convention which he inclosed, the line "shall ascend northerly along the channel called Portland Channel till it strikes the coast of the continent lying in the 56th degree of north latitude."

Ibid., p. 70.

The Russian counter-draft, Article I, says the line "remontera au nord par la passe dite le Portland Canal, jusqu'au point où cette passe se termine dans l'intérieur de la terre ferme au 56° de latitude nord."

It would appear, therefore, that, while Canning did not assume that Portland Canal reached the 56th degree, the Russians did, and, in the draft Convention signed by Stratford Canning and the Russian Plenipotentiaries, which I have had under the from Stratford Canning's private papers at the Record Office, there is an erasure between the words "où" and "atteint" in the Treaty, where "elle" has been substituted, the passage appearing as "où . . . elle—atteint le 56° degré de latitude nord," not a scrap of what was erased remains, but it was in all probability, judging from the spacing, "cette passe."

It cannot be said to be at all clear from this résumé of the correspondence how the line is to proceed from the head of the canal to the 56th parallel, whether to the north in accordance with the general words "au nord" or to be continued in the line of the canal, the northern end of which has an easterly trend.

The explanation of the difficulty and the course of the line must be sought in the following part of the sentence, "de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la côte," &c. In other words, the point where the line up Portland Channel and the line along the crest of the mountains in the 56th parallel were supposed to coincide. Unfortunately, no copy of the Russian Map of 1822, referred to in the correspondence, is available, and Vancouver's Chart and the Russian Map of 1802 show the crest of the mountains at the head of the canal as well to the south of the 56th parallel. It is evident, therefore, that though these were used in the early stage of the negotiations they could not have been used in the later stages. But the Russian Map of 1826 (No. 5 in portfolio in N.A. 119), probably the same as that of 1822, and Wyld's Map of 1824, show that a line due north from the head of the canal would cut the 56th parallel in the former near the base and the latter on the crest of the mountains. Canning, in his draft Convention, inclosed in his despatch of the 12th July, 1824, claimed (Article II) the base of the mountains as the boundary, so that he probably had the Russian Map before him at the time.

Ibid., p. 66 a.

In any case, the starting-point of the littoral boundary on the 56th parallel must be governed by the condition that it is not to be more than 10 marine leagues from the coast, and it is with this part of the boundary that the greatest difficulty is to be found, and now that the continuous mountain chain on which the negotiators relied for furnishing a natural boundary has disappeared, the question has to be settled how was the 10 leagues to be measured, and how is the boundary to be drawn within that limit.

From the 56th degree north Latitude to the 141st Meridian.

Article IV (2) of the Treaty says: "Partout où la crête des montagnes se étendent dans une direction parallèle à la côte depuis le 56° degré de latitude nord au point d'intersection du 141° degré de longitude ouest, se trouveront à la distance

Sir C. Bagot plus de 10 lieues marines de l'océan, la limite . . . sera formée par une ligne parallèle aux sinuosités de la côte et qui ne pourra jamais en être éloignée que de 10 lieues marines."

The Americans contend that the continuous chain contemplated by the Treaty having been found non-existent we must fall back on the 10-league line and must measure it everywhere so as to give them 10 leagues from the heads of the inlets. The Canadians, on the other hand, claim that the line is to run from peak to peak of the mountains nearest to the coast, crossing inlets, and, in fact, as their map shows, leaving to the United States, not a strip of coast, but patches of coast, while the Americans claim, not a strip of coast, but a continuous strip of land.

The Canadian claim is based on the hypothesis that, in speaking of the mountains parallel to the coast, the Treaty meant to specify the mountains nearest to the coast. There is a good deal in the correspondence as to the Treaty to support this contention. In Canning's first despatch to Bagot on the boundary question the 15th January, 1824, he says, after suggesting a northward boundary from the head of Lynn Canal by a line to Mount Elias, "It would, however, in that case, be expedient to assign, with respect to the mainland southward of that point (Mount Elias), a limit, say, of 50 or 100 miles from the coast, beyond which the Russian posts should not be extended to the eastward," &c. Russia had in fact no settlement on the strip, and only desired it ostensibly to be able to preserve her monopoly on the island, and from the first the English plenipotentiaries showed themselves alive to the importance of restricting her advance to the interior, already in occupation, or at any rate, within the sphere of the operations of the Hudson Bay Company.

When the first actual negotiation took place as reported in Sir C. Bagot's despatch of the 17th (29th) March, 1824, the Russians describe the mountains in their proposal, in paragraph 4, as the "montagnes qui bordent la côte," and in paragraph 5, the line is to ascend along "ces montagnes parallèlement aux sinuosités de la côte." In his reply Bagot offered a line from west to east, north of Prince of Wales and Duke of York Island to the mainland, and "de là se prolongeant dans la même direction sur la terre ferme jusqu'à un point distant de la côte de 10 lieues marines, la ligne remontera de ce point vers le nord et le nord-ouest, parallèlement aux sinuosités de la côte, et toujours à la distance de 10 lieues marines du rivage." In other words, the boundary was to be an exact counterpart of the coast at a distance from it of 10 leagues east (i.e.) the 10 leagues were to be measured, not perpendicular to the coast, but along a line of latitude.

In their observations on Bagot's proposals the Russians described the mountains as "la chaîne de montagnes, qui suit à une très petite distance les sinuosités de la côte."

When the paper sent home by Sir C. Bagot were referred to the Hudson Bay Company, they pointed to the want of accurate geographical information, and suggested that the boundary should be "the nearest chain of mountains not exceeding a few leagues of the coast."

Canning, in informing Count Lieven that he intended sending Bagot further instructions, which would meet the Russian demands in a great degree, intimated that he intended to have "a more definite description of the limit to which the strip of land required by Russia on the continent is to be restricted." In his despatch of the 12th July, sending Bagot the further instructions, he says, "His Majesty's Government have resolved to authorize your Excellency to . . . and to take as the line of demarcation, a line . . . thence following the sinuosités of the coast, along the base of the mountains nearest the sea to Mount Elias, &c."

In case "the mountains, which appear by the map almost to border the coast, turning out to be far removed from it," there was to be a proviso that the line should in no case "be carried further to the east than a specified number of leagues from the sea." The utmost extent to which they would agree would be 10 leagues; but Bagot was instructed to try for "a still more narrow limitation." These passages show (a) that Canning at this time aimed at the mountains nearest the coast, and (b) that the 10 leagues was to be measured to the east—that is to say, along a line of latitude.

In the draft Convention which accompanied the despatch, the line is laid down in Article II from the 56th parallel: "It shall be carried along that coast, in a direction parallel to its windings, and within the seaward base of the mountains by which it is bounded," &c., and Article III, "shall not, in any case, extend more than 10 leagues from the sea towards the interior, at whatever distance the aforesaid mountains may be."

F.O. Print 6225,
pp. 49 and 53.

Ibid., p. 59.

Ibid., p. 60.

Ibid., p. 60.

Ibid., p. 64.

Ibid., p. 65.

Ibid., p. 66.

Ibid., p. 66 s.

F.O. Print 6225,
p. 68.
Ibid., p. 67.

Ibid., p. 70.

Canning communicated the instructions and draft Convention to the Russian Ambassador, Count Lieven, who objected to taking the base of the mountains, and asked that the line should run along the summit, on the ground that in the uncertainty of geographical information it was possible "que les montagnes désignées pour limites s'étendissent par une pente insensible jusqu'aux bords même de la côte." Canning yielded to this and instructed Bagot to agree to the summit, "provided always that the stipulation as to the extreme distance from the coast to which the 'lisière' is in any case to run, be adopted (which distance I have to repeat to your Excellency should be made as short as possible)." To Canning's instruction that it was to be the "mountains nearest to the sea," or as in the draft Convention "by which it (the coast) is bounded," Count Lieven took no exception, when, however, Bagot produced it to Count Nesselrode and M. Poletica with whom he was negotiating, they appear to have sensed danger, and in their counter-draft, they drew the line from the 56th parallel to follow the coast (Article I) "parallèlement à ses sinuosités," and provided (Article II) that the 'lisière' "n'aura point en largeur sur le continent plus de 10 lieues marines à partir du bord de la mer."

The marginal note on the copy of the Russian counter-draft sent by Count Nesselrode to Count Lieven, says:—

"Dans le premier paragraphe de cet Article, comme dans l'Article II, nous avons supprimé toute mention des montagnes qui suivent les sinuosités de la côte. Elle devenait inutile, ou l'on fixait en lieues marines la largeur de la lisière de terre ferme qui appartiendrait à la Russie."

This counter-proposal was referred to the Hudson Bay Company, who again recommended that the boundary should be "the chain of mountains at a 'très petite distance de la côte,' but that if the summits of the mountains exceed 10 leagues that the said distance be substituted instead of the mountains."

Canning was equally alive to the desirability of confining the Russians on the coast within the narrowest limits, and his final instructions to Stratford Canning on the 8th December, 1824, were:—

Ibid., pp. 75 and 78.

"The Russian Plenipotentiaries propose to withdraw entirely the limit of the 'lisière' on the coast which they were themselves the first to propose, viz., the summits of the mountains which run parallel to the coast, and which appear, according to the map, to follow all its sinuosités, and to substitute generally that which we only suggested as a corrective of their first proposition.

"We cannot agree to this change. It is quite obvious that the boundary of the mountains, where they exist, is the most natural and effectual boundary. The inconvenience against which we wished to guard was that which you know, and we thoroughly explain to the Russian Plenipotentiaries to have existed on the other side of the American Continent, when mountains laid down in a map as in a certain given position, and assumed, in faith of the accuracy of that map, as a boundary between the possessions of England and the United States, turned out to be quite different, situated, a discovery which has given rise to the most perplexing discussions. Should the maps be no more accurate as to the western than as to the eastern mountains, we might be assigning to Russia immense tracts of inland territory where we only intended to give, and they only intended to ask, a strip of sea coast.

"To avoid the chance of this inconvenience, we proposed to qualify the general proposition 'that the mountains should be the boundary with the condition if the mountains should not be found to extend beyond 10 leagues from the coast.' The Russian Plenipotentiaries now propose to take the distance invariably as the rule, but we cannot consent to this change. The mountains, as I have said, are a more eligible boundary than any imaginary line of demarcation, and this being their own original proposition, the Russian Plenipotentiaries cannot reasonably refuse to adhere to it.

"Where the mountains are the boundary we are content to take the summit instead of the 'seaward base' as the line of demarcation."

In this despatch he inclosed a Projet of a Convention for Stratford Canning's guidance, Article III of which provides that the line shall be drawn in the following manner:—

"Commencing from the southernmost point of island, called Prince of Wales Island, which point lies in the parallel of 54° 40', and between the 131st and 133rd degree of west longitude (meridian of Greenwich), the line of frontier between the British and Russian possessions shall ascend northerly (the whole of Prince of Wales Island belonging to Russia) along the channel called 'Portland Channel' till it strikes the coast of the continent in the 56th degree of north latitude. From the point where the line of demarcation strikes this degree it shall be carried along the summit of the

to the Russian mountains, and the said meridian, thence the said meridian line of 140th degree west longitude in its extension as far as the Frozen Ocean shall form the boundary of the British and Russian possessions on the Continent of America to the north-west.

"Provided, nevertheless, that if the summit of the aforesaid mountains shall turn idly to be, in any part of their range, at more than the distance of 10 marine leagues from the Pacific, then that, for that space, the line of demarcation shall be a line parallel to the coast and its windings at the said distance of 10 marine leagues therefrom, so that the said line of demarcation shall never extend further than 10 leagues from the coast."

The Convention, as finally settled, follows this draft very closely. Stratford Canning, in sending it home, says:—

"The line of demarcation along the *strip of land* on the north-west coast of America assigned to Russia is laid down in the Convention agreeably to your directions, notwithstanding some difficulty raised on this point, as well as on that which regards the order of the Articles, by the Russian Plenipotentiaries."

The Russians evidently felt they had been badly treated in the matter, as Countesselrode, in sending to Count Lieven the ratification of the Convention, says:—

"En échangeant cet instrument contre celui qui doit nous être remis par la Cour de Londres, l'Empereur désire, M. le Comte, que vous observiez à Mr. Canning qu'il a été plus conforme, d'après l'opinion de Sa Majesté Impériale, et aux principes d'une mutuelle justice, et à ceux des convenances réciproques, de donner pour frontière à la lisière de côte que la Russie doit posséder le 56° de latitude nord jusqu'au point d'intersection du 141° de longitude ouest, la crête des montagnes qui suivent les sinuosités de la côte. Cette stipulation, en effet, eût assuré aux deux puissances une parfaite égalité d'avantage, et une limite naturelle. L'Angleterre n'aurait trouvé son profit partout où les montagnes sont à moins de 10 lieues marines de la mer, et la Russie partout où la distance qui les en sépare est plus grande. Il nous semble que, touchant des contrées dont la géographie est encore peu connue, on ne pouvait proposer de stipulation plus équitable. Votre Excellence ajoutera que le Plenipotentiaire de Sa Majesté Britannique ayant déclaré qu'il se trouvait dans l'impossibilité d'accepter les vœux que nous lui avons exprimés sous ce rapport, c'est uniquement pour donner au Roi d'Angleterre une preuve de ses dispositions amicales que notre auguste Maître nous a permis de signer cet Article tel qu'il existe dans la convention actuelle."

It must be noted that in the instructions and draft Convention sent to Stratford Canning, the phrases the "mountains nearest to the sea," and "which bound the coast," are dropped, and the only thing that is really clear from the correspondence is, that is equally clear from the Treaty, that the English negotiators insisted that the line was nowhere to be more than 10 leagues from the ocean, and that, as far as possible, it was to follow a supposed chain of mountains within that distance. But as the line is also to follow the sinuities of the coast, the question at once arises—What is a "sinuosity" or "winding" of the coast? a question of vital importance as regards the Lynn Canal and other openings extending deep into the continent. The old maps show the mountains as extending round the head of these deep inlets, and the new maps now furnished by the Dominion Government, and also that of the American Government, show that there are mountains more or less continuous along the coast, and extending, like those on the older maps, round the heads of the inlets, and if, as the Canadian Government propose, a boundary is to be sought along these mountains, that boundary to go round the inlets along the mountains, or to go across them within 10 leagues of the mouth?

It will be seen from what has been cited above that the English negotiators, having given way as to the southern terminus, were absolutely firm in restricting the width of the "lisière," and that both they and the Russians were convinced that they had achieved this result, and that the actual boundary would give Russia a strip much less than 10 leagues in width. It will be noted, too, that Canning, in the *Projet* which he sent to Bagot on the 12th July, 1824, says: "La limite des possessions Russes ne s'étend, en aucun cas, s'étendrait en largeur depuis la mer vers l'intérieur au delà de la distance de 10 lieues maritimes, à quelque distance que seront les susdites montagnes;" and in his covering despatch he had spoken of the "lisière" as "the strip of land to be occupied by Russia." But when Bagot's negotiations finally failed, and the Russians

* This is obviously an error of copying, as the despatch and the previous despatch to Bagot specify the *same* meridian.

To Stratford
Canning.
December 8, 1824
(*supra*).

had demanded a 10-league strip all along, while the Hudson Bay Company had again urged the necessity of restricting them, we find a change in his instructions to Stratford Canning.

The "lisière" is no longer "a strip of land," but a "strip of sea-coast," and in the *Projet* accompanying it, the summit of the mountains is not to be the boundary. It is "more than the distance of 10 leagues from the Pacific." The Treaty itself is the same effect, only that it is "de plus de 10 lieues marines de l'Océan."

The substitution of "Océan,"—with a capital "O," for so it is in the original—was no doubt, part of the polishing which Stratford Canning, in a private letter, dated the 19th February (3rd March), to George Canning, says he had given the draft, but they mean the same thing clearly—that the 10 leagues was to be measured, not from the head of narrow windings such as abound on the coast, but from the coast of the Ocean proper, excluding all that could and would by international law be territorial waters. The point is not raised in the correspondence, but the Russian stubbornly and successfully resisted Canning's attempt to secure for ever the liberty of "visiting, without hindrance, the gulfs, havens, and creeks" of the coast, and limited it to ten years, and unless these were to be included as territory in the strip, so strong a champion of the 3-mile limit was scarcely likely to have acceded to it, and the only explanation of the significant change of the word "mer," in the *Projet* sent to Bagot, to the word "Pacific," in the *Projet* given to Stratford Canning, and by him changed into "l'Océan" in the Treaty, is that the 10 leagues was to be measured, in the case of inlets, from the point where they ceased to form part of the Ocean, and became territory under the law of nations. No doubt, also, it was clearly recognized that there were sinuosities outwards as well as inwards, and that, if the line went inland a little, with inlets, it would equally recede towards the coast in the case of promontories, being governed throughout its length by the condition that it was never to be more than 10 leagues from the "Ocean."

In these circumstances, especially in view of the fact that in the final negotiations conducted by Stratford Canning the limitation of the boundary to the mountains nearest the sea or bounding the coast no longer appears, and that the boundary is to be "la crête des montagnes situées parallèlement à la côte," with the limitation that it was nowhere to be further than 10 leagues from the sea, it is difficult for us to maintain the contention of the Canadian Government that it is to run from summit to summit of the mountains nearest the sea. We know that the chain of mountains which the negotiators of the Treaty had in view, as shown on the maps of the time, does not exist in that form; but there are mountains more or less continuous along the coast, shown on both the Canadian and United States' Maps and generally within the 10-league limit, and it is along these that the boundary must in the first instance no doubt be sought.

It is clear, also, in any case that the United States either fail to appreciate or ignore the limiting effect of the final clause of Article IV of the Treaty. Canning's indifference to whether the boundary was to be along the base or the summit of the mountains, whether it was to follow sinuosities or not, is easily understood when the consequences of that limitation are appreciated. The United States read the Treaty as if it meant that the boundary-line is to be "everywhere not less than," instead of "nowhere more than," 10 leagues from the sea. Canning dropped the 10 leagues to the east" with which Bagot began, doubtless because he saw that a line so drawn would, drawn parallel to the sinuosities of the coast, give the Russians much more than was subject to the general limitation that it was never to exceed 10 leagues from the coast. In fact, the parallelism to the windings of the coast, combined as it is with the limitations that the line must not exceed 10 leagues even from the furthest headland, will give the United States a good deal more perhaps than the Canadians propose, but still only a fraction of what they claim, and will, at all events, leave the heads of the main inlets in the possession of Canada, which, from the point of view of access to the interior, is of the first importance. From Glacier Bay, Mr. Ogilvie informs me, the St. Elias Alps form a distinct chain, which will give a good natural boundary, so that the difficulty will only be up to that point. But up to Glacier Bay there is no such chain as was contemplated by the Treaty, and it is obviously hoped to expect to reach an agreement by discussion. The limit that the line is never to be more than 10 leagues from the coast, coupled with the condition that the line is to be parallel to the sinuosities of the coast, though it might be sufficient to enable a judicial and scientific man to trace a line, opens the door for endless discussion; and it is obvious that unless the United States agree to arbitrate on the whole question

an agreement is impossible; and any effort to arrive at an arrangement by discussion will, when every acre may contain an invaluable gold mine, be hopeless.

J. A.

April 4, 1898.

Appendix to Mr. Anderson's Memorandum.

Draft Convention with Russia.

HIS Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of All the Russias, being desirous of drawing still closer the ties of good understanding and friendship which unite them by means of an Agreement which shall settle, upon the basis of reciprocal convenience, the different points connected with the commerce, navigation, and fisheries of their subjects on the Pacific Ocean, as well as the limits of their possessions on the north-west coast of America, their said Majesties have named their Plenipotentiaries to conclude a Convention for this purpose, that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland, &c.

And His Majesty the Emperor of All the Russias, &c.

Who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon and concluded the following Articles:—

ARTICLE I.

It is agreed that the respective subjects of the High Contracting Parties shall not be troubled or molested, in any part of the Great Ocean, commonly called the Pacific Ocean, either in navigating the same, in fishing there, or in landing at such parts of the coasts as shall not have been already occupied, in order to trade with the natives, under the restrictions and conditions specified in the following Articles:—

ARTICLE II.

In order to prevent the right of navigating and fishing exercised upon the Great Ocean by the subjects of the High Contracting Parties, from becoming the pretext for an illicit commerce, it is agreed that the subjects of His Britannick Majesty shall not land at any place where there shall be a Russian establishment, without the permission of the principal officer in authority there, and, on the other hand, that Russian subjects shall not land without similar permission, at any British establishment on the north-west coast.

ARTICLE III.

The line which separates the possessions of the two High Contracting Parties upon the continent and the islands of America to the north-west, shall be drawn in the manner following:—

Commencing from the southernmost point of the island called "Prince of Wales" Island, which point lies in the parallel of 54° 40', and between the 131st and 133rd degree of west longitude (meridian of Greenwich), the line of frontier between the British and Russian possessions shall ascend northerly (the whole of Prince of Wales Island belonging to Russia) along the channel called "Portland Channel" till it strikes the coast of the continent in the 56th degree of north latitude. From the point where the line of demarcation strikes this degree it shall be carried along the summit of the mountains parallel to the coast as far as the 140th degree of longitude west of the said meridian; thence the said meridian line of 140th degree west longitude, in its extension as far as the Frozen Ocean, shall form the boundary of the British and Russian possessions on the Continent of America to the north-west.

Provided, nevertheless, that if the summit of the aforesaid mountains shall turn out to be, in any part of their range, at more than the distance of 10 marine leagues from the Pacific, then that, for that space, the line of demarcation shall be a line parallel to the coast and its windings, at the said distance of 10 marine leagues therefrom, so that the said line of demarcation shall never extend farther than 10 leagues from the coast.

It is agreed that neither Party shall form any establishment within the limits assigned by this Article to the other Party.

No establishment shall in future be formed by British subjects either upon the coast, or upon the borders of the continent comprised within the limits of the Russian possessions designated in this Article; and in like manner no such establishments shall be formed by Russian subjects beyond the said limits.

ARTICLE IV.

It is understood that the subjects of His Britannick Majesty, as well those who may come from the interior of the continent as those who may come from the Pacifick Ocean, shall enjoy for ever the free and unmolested navigation of all rivers or streams which, in their course to the Pacifick, may be found to cross the line of demarcation on the border of coast described in the foregoing Article.

ARTICLE V.

It is, nevertheless, understood that, for the space of ten years from the signature of the present Convention, the vessels of the two Powers, or those belonging to their respective subjects, shall mutually be at liberty to frequent, without any hindrance whatever, the inland sea, the gulfs, havens, and creeks on the coast mentioned in Article III, for the purposes of fishery and of commerce with the natives of the country.

ARTICLE VI.

The port of Sitka, or Nove Archangelsk, shall be open to the commerce and vessels of the subjects of His Britannick Majesty during the space of ten years from the date of the exchange of the ratifications of the present Convention. In case of a further extension of the term of ten years mentioned in the foregoing Article to any other Power, the like extension shall be granted also to Great Britain.

ARTICLE VII.

The said liberty of commerce shall not include the trade in spirituous liquors, in fire-arms, swords bayonets, &c., gunpowder, or other warlike stores, the High Contracting Parties reciprocally engaging not to permit the above-mentioned articles to be sold or transferred, in any manner whatever, to the natives of the country.

ARTICLE VIII.

Such British and Russian vessels navigating the Pacifick as may be compelled by stress of weather, or by any other accident, to take shelter in the respective ports, shall be at liberty to refit therein, to provide themselves with all necessary stores, and to put to sea again without the payment of any duties, except port and lighthouse dues, not exceeding those paid by national vessels. In case, however, the master of such ship should be obliged to dispose of some of his merchandize, in order to defray his expences, he shall conform himself to the regulations and tariffs of the place where he may have landed.

ARTICLE IX.

In every case of complaint on account of an infraction of the Articles of the present Convention, the officers employed on either side, without previously engaging themselves in any violent or forcible measures, shall make an exact and circumstantial report of the matter to their respective Courts, who will arrange the same, according to justice, in a friendly manner.

ARTICLE X.

The present Convention shall be ratified, and the ratifications shall be exchanged at _____, within the space of _____ months, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at _____, the _____ day of _____, in the year of our Lord _____.

ARTICLE III.

Il est convenu néanmoins, par rapport aux stipulations de l'Article précédent :—

1. Que la susdite lisière de côte sur le Continent de l'Amérique formant la limite des possessions Russes, ne doit, en aucun cas, s'étendre en largeur depuis la mer vers l'intérieur, au delà de la distance de lieues maritimes (3) à quelque distance que seront les susdites montagnes.

(3.) Dans le premier paragraphe de cet Article, comme dans l'Article II, nous avons supprimé toute mention des montagnes qui suivent les sinuosités de la côte. Elle devenait inutile, du moment où l'on fixait en lieues marines, la largeur de la lisière de terre ferme qui appartiendrait à la Russie.

2. Que les sujets Britanniques navigueront et commerceront librement à perpétuité (4) sur la dite lisière de côte, et sur celle des îles qui l'avoisinent.

(4), (5), et (6). Notre dépêche au Comte Lieven renferme toutes les explications nécessaires, quant aux passages soulignés dans ces divers Articles.

3. Que la navigation et le commerce des fleuves du continent traversant cette lisière, seront libres aux sujets Britanniques, tant à ceux habitans ou fréquentans l'intérieur de ce continent, qu'à ceux qui aborderont ces parages du côté de l'Océan Pacifique.

Tous les autres n'ont subi, dans notre contre-projet, que de légers changemens de rédaction qui avaient pour but d'y rendre les stipulations encore plus précises et plus faciles à saisir dans leur vrai sens.

ARTICLE IV.

(5.) Le port de Sitka, ou Novo-Archangelak sera et restera à jamais ouvert au commerce des sujets de Sa Majesté Britannique.

ARTICLE V.

(6.) Par rapport aux autres parties des côtes du Continent de l'Amérique du nord-ouest et des îles qui l'avoisinent, appartenantes à l'une et à l'autre des deux Hautes Parties Contractantes, il est convenu que pendant l'espace de dix ans à compter du Avril, 1824, leurs vaisseaux respectifs, et ceux de leurs sujets, pourront réciproquement fréquenter, sans entrave, les golphes, havres, et criques des dites côtes, dans des endroits non déjà occupés, afin d'y faire la pêche et le commerce avec les naturels du pays.

Bien entendu :—

1. Que partout où il se trouvera un établissement de l'une des Hautes Parties Contractantes, les sujets de l'autre ne pourront y aborder, sans la permission du Commandant, ou autre préposé de cet endroit, à moins qu'ils n'y soient forcés par tempêtes ou quelque autre accident.

2. Que la dite liberté de commerce ne comprendra point celui des liqueurs spiritueuses, ni des armes à feu, des armes blanches, de la poudre à canon, ou d'autres espèces de munitions de guerre; tous lesquels articles les deux Puissances s'engagent réciproquement de ne point laisser vendre ni transférer en manière quelconque, aux indigènes de ces pays.

ARTICLE VI.

Dorénavant il ne pourra être formé par les sujets Britanniques, aucun établissement, ni sur les côtes, ni sur la lisière du continent comprises, dans les limites des possessions Russes désignées par l'Article II; et, de même, il n'en pourra pas être formé aucun par des sujets Russes hors des dites limites.

ARTICLE VII.

Les vaisseaux Britanniques et Russes navigans dans ces mers qui seront forcés par des tempêtes ou par quelqu'autres accidents à se réfugier dans les ports respectifs, pourront s'y radoubier, et s'y pourvoir de toutes choses nécessaires, et se remettre en mer librement, sans payer aucun des droits, hors ceux de port et de fanaux, qui n'excéderont pas ce que payent les navires indigènes, à moins que le patron d'un tel navire ne se trouverait dans la nécessité de vendre quelque marchandise pour défrayer ses dépenses, au quel cas il sera tenu de se conformer aux ordonnances et tarifs de l'endroit où il aura abordé.

ARTICLE VIII.

Dans tous les cas de plainte par rapport à l'infraction des Articles du présent accord, les officiers et employés de part et d'autre, sans se permettre au préalable aucune violence ni voie de fait, seront tenus de rendre un rapport exact de l'affaire, et de ses circonstances, aux Cours respectives, lesquelles la termineront selon la justice et à l'amiable.

ARTICLE IX.

La présente Convention sera ratifiée et les ratifications en seront échangées à dans l'espace de mois, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signée, et y ont apposé le cachet de leurs armes.

Fait à , le , l'an de grâce 1824.

Sa Majesté le Roi du Royaume-Uni de la Grande-Bretagne et de l'Irlande, et Sa Majesté l'Empereur de Toutes les Russies, désirant resserrer les liens d'amitié et de bonne intelligence qui les unissent, moyennant un accord qui réglerait, sur le principe d'une convenance réciproque, différens points relatifs au commerce, à la navigation, et aux pêcheries de leurs sujets sur l'Océan Pacifique, ainsi que les limites de leurs possessions et établissemens sur la côte nord-ouest de l'Amérique, leurs dites Majestés ont nommé des Plénipotentiaires pour conclure une Convention à cet effet, savoir :—

Sa Majesté le Roi du Royaume-Uni de la Grande-Bretagne et de l'Irlande, &c. ;

Et Sa Majesté l'Empereur de Toutes les Russies, &c. ;

Lesquels, après s'être réciproquement communiqués leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivans :—

ARTICLE I.

Il est convenu entre les Hautes Parties Contractantes que leurs sujets respectifs navigueront librement, dans toute l'étendue de l'Océan Paci-

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fique, y comprise la mer au dedans du détroit dit de Behring, et ne seront point troublés ni molestés—

1. En exerçant leur commerce et leurs pêcheries dans toutes les parties du dit océan, tant au nord qu'au sud.

Bien entendu que la dite liberté de pêcheries ne sera exercée par les sujets de l'une des deux Puissances qu'à la distance de 2 lieues maritimes des possessions respectives de l'autre.

1. Dans l'Article correspondant les Plénipotentiaires de Russie ont supprimé les mots "en exerçant leur commerce," parce qu'il leur a paru que cet Article se rapporterait principalement à la navigation en haute mer, et qu'en haute mer il n'y a pas de commerce possible.

D'ailleurs, tout ce qui concerne les relations commerciales se trouve réglé par d'autres Articles.

ARTICLE II.

2. La ligne séparative entre les possessions des deux Hautes Parties Contractantes sur le continent et les îles de l'Amérique du nord-ouest, sera tracée de la manière suivante :—

En commençant des points de l'île dite du Prince de Galles, qui en forment l'extrémité méridionale, lesquels points sont situés sous la parallèle de 54° 40' et entre le 131° et le 133° degré de longitude ouest (méridien de Greenwich), la ligne de la frontière entre les possessions Britanniques et Russes remontera au nord par la passe dite le Portland Channel jusqu'à ce qu'elle touche à la côte de terre ferme située au 56° degré de latitude nord. De ce point elle suivra cette côte parallèlement à ses sinuosités, et sous ou dans la base, vers la Mer des Montagnes, qui la bordent, jusqu'au 139° de longitude ouest du dit méridien. Et de là la susdite ligne méridionale du 139° de longitude ouest, en sa prolongation jusqu'à la Mer Glaciale, formera la limite des possessions Britanniques et Russes sur le dit Continent de l'Amérique du nord-ouest.

2. Article II. — Cet Article et le premier du contre-projet Russe :—

Comme dès l'ouverture des négociations l'exécution de l'Oukase de 1821 avait été suspendue en ce qui regarde l'exercice de la juridiction maritime, la question territoriale était la plus essentielle que les deux Puissances eussent à résoudre. C'est donc par définir les possessions respectives que nous commençons dans notre contre-projet. Les possessions une fois définies viennent naturellement les stipulations relatives aux droits qui s'y rattachent, et aux privilèges qui pourront y être exercés de part et d'autre. À ces clauses succèdent celles qui ont rapport à la navigation de l'Océan Pacifique, et qui se rangent toutes sous le même chef.

L'ordre des matières gagne à ce système de rédaction, et il nous semble en général que l'économie de notre contre-projet offrirait plus de clarté.

Nous avons, du reste, en changeant leurs places conservé tous les Articles du projet Britannique.

No. 67.

Colonial Office to Foreign Office.—(Received April 8.)

(B.)
(Confidential.)

Sir,

Downing Street, April 7, 1898.

WITH reference to the letter from this Department of even date respecting the Alaska boundary, I am directed by Mr. Secretary Chamberlain to transmit to you, to be laid before the Marquess of Salisbury, a copy of a telegram from the Governor-General of Canada respecting a written request from the United States' Officer Commanding at Dyce to the officers of the Canadian mounted police exercising jurisdiction at the summits of the Chilcoot and White Passes and at Lake Lindeman.

As Lord Salisbury will see from the letter from this Department under reference, Mr. Chamberlain considers that even the summits of the passes referred to are far beyond the boundary, which can never be more than 10 leagues from the ocean, and, in any case, wherever the boundary may ultimately be fixed, he entirely agrees with the view of the Canadian Government that it is undesirable that such communications should pass between military officers, situated as the officers are at Dyce and remote from telegraphic communication.

He would suggest, therefore, that the substance of the Governor-General's telegram should be communicated to Her Majesty's Ambassador at Washington, with instructions to make a friendly representation to the United States' Government as to the impropriety of the course pursued by their officers in this matter, no doubt through some misapprehension of their instructions.

I am, &c.
(Signed) EDWARD WINGFIELD.

Inclosure in No. 67.

The Earl of Aberdeen to Mr. Chamberlain.

(Telegraphic.) P.

[Undated.]

MY Government has received information that on the 26th March the Officer Commanding the United States' troops at Dyea made in writing official request to Canadian police officers to cease exercising jurisdiction at the summits of Chilcoot and White Passes and at Lake Lindeman.

My responsible advisers are not aware of grounds on which United States' Government contend that its territory extends inland beyond summits of passes, and can scarcely regard this claim as being seriously made.

The Canadian officials have been exercising jurisdiction in the territory mentioned from the period when travel began by these passes last year, and the danger of disorder and disturbance has rendered the establishment of police posts in these passes a necessity.

Since visit of my Minister of the Interior to Washington last December, United States' Government has known that, in opinion of my Government, the summits in the passes were the farthest points inland at which United States could claim jurisdiction.

United States' officers have never been stationed in this territory, unless they have been sent in since establishment of Canadian police posts,

The claim for jurisdiction is now made for the first time.

It is submitted, however, that if Government of United States desire to claim the territory in question now and heretofore in possession of the Dominion, such claim, besides being accompanied with a statement of the grounds on which it is made, should be preferred through the proper diplomatic channels.

My Government, moreover, submit that while summits of passes may be taken as a provisional boundary, Canada's claim that Skagway and Dyea are in Canadian territory is in no way thereby waived or prejudiced.

Under circumstances demanding the utmost efforts of officers of both Governments to preserve law and order and afford succour in distress, my Ministers are also of opinion that it is highly undesirable that any communication of an unfriendly nature should occur between military officers necessarily unacquainted with merits of the unsettled boundary question, and at a place remote from communication by telegraph.

No. 68.

The Marquess of Salisbury to Sir J. Pouncefote.

(No. 60.)

(Telegraphic.) P.

Foreign Office, April 9, 1898, 10:30 P.M.

WITH reference to your telegram No. 23 of the 27th March, Alaska boundary.

Canadian Government demur to proceeding with demarcation under Convention of 1892, though I have not yet received a despatch explaining reasons; the objection probably is that the negotiations could lead to no result, in view of wide divergence of views. They are prepared, without prejudice to the claims of either party, to agree to the fixing of a provisional line at the watershed at first summit north of Dyea, and you might ascertain whether this proposal would be agreeable to the United States. The provisional boundary you will observe is considerably more than ten leagues from the coast. If you consider that a supplementary Convention, providing for a final adjustment by arbitration of the whole question, has now a better chance of being accepted by the Senate, you should urge the President to agree that immediate negotiations for drawing up such a Convention, on lines laid down in my telegram of the 19th February, should be entered upon.

No. 69.

The Marquess of Salisbury to Sir J. Pouncefote.

(No. 61.)

(Telegraphic.) P.

Foreign Office, April 9, 1898, 11:45 P.M.

I HAVE sent to you by bag a letter from the Colonial Office of the 7th April, complaining of action of United States' officer at Dyea, in requesting Canadian police to cease exercising jurisdiction at Lake Lindeman and at summits of passes.

On its receipt you should make a friendly representation to United States' Government. Point out the extreme inconvenience of allowing local action of this kind to be taken by officers necessarily unacquainted with the present position of the controversy. It is hardly possible that any arbitration can fix a line so unfavourable to Canada as the one thus claimed for the first time; and it is most desirable that both Governments should work harmoniously to relieve distress and preserve order.

No. 70.

Sir J. Pouncefote to the Marquess of Salisbury.—(Received April 11.)

No. 82.)

My Lord,

Washington, March 26, 1898.

WITH reference to my despatch No. 45 of the 28th ultimo, transmitting a note from the United States' Secretary of State concerning the issue of miners' certificates, I have the honour to transmit herewith copy of a further note from Mr. Sherman upon the same subject.

I have forwarded copies of both Mr. Sherman's notes to the Governor-General of Canada.

I have, &c.

(Signed)

JULIAN PAUNCFOTE.

Inclosure in No. 70.

Mr. Sherman to Sir J. Pouncefote.

Excellency,

Department of State, Washington, March 25, 1898.

REFERRING to my note of the 19th ultimo, requesting such modifications of the Canadian Regulations concerning the issue of miners' certificates as will enable persons crossing the passes from Dyea and Skagway to obtain them at points in the north-west territory easily accessible to such persons, I beg to point out that by Article IV of the Canadian Regulations governing places mining in the provisional district of the Yukon, north-west territory, it appears that the designation of such places for the issue of miners' certificates as would be easily accessible to those crossing the passes from Dyea and Skagway is discretionary with the Canadian Minister of the Interior, and that action by the Dominion Parliament is not necessary.

I therefore trust that this discretion may be exercised in compliance with the request submitted by this Government without delay. The importance of prompt action thereon is enhanced by reason of the fact that many persons, are now reported to be crossing, or about to cross, these passes, by which only access to the north-west territory appears to be practicable.

I have the honour to request that you will do me the favour to urge the importance of the matter upon the attention of the Dominion Minister of Interior, and at the same time make known to him the pleasure with which this Government has seen that in his speech, before the Canadian House of Commons on the 15th ultimo, he fully recognized the friendliness of the action of the United States' Treasury Department in the establishment of the sub-port of Dyea and Skagway.

I have, &c.

(Signed)

JOHN SHERMAN.

No. 71.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received April 11.)

(No. 40. Commercial.)

My Lord,

Washington, March 29, 1898.

IN my despatch to your Lordship No. 41 of the 25th ultimo, I had the honour to inclose copy of a Minute of the Canadian Privy Council relative to the conditions under which United States' stern-wheel steamers, built in sections and transported to Dyea, might be assembled in British territory, and thereafter navigate the British waters of the Yukon.

I have now the honour to transmit a further Minute received from Canada, in reply to an inquiry from the United States' Government as to the transportation of United States' stern-wheel steamers, built in sections and transported by way of the Stikine River to Lake Teslin.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 71.

Extract from a Report of the Committee of the Honourable the Privy Council, approved by the Governor-General on the 21st March, 1898.

THE Committee of the Privy Council have had under consideration a despatch hereto annexed, dated the 8th February, 1898, from Her Majesty's Ambassador to the United States, stating that the Secretary of State of the United States asks to be informed whether the laws and regulations of the Dominion of Canada concerning the transportation of American stern-wheel steamers built in sections and transported by way of the Stikine River to Lake Teslin will be similar to those relating to vessels transported in sections by the Dyea route.

The Minister of Customs, to whom the said despatch was referred, reports that American stern-wheel steamers built in sections, and transported by way of the Stikine River to Lake Teslin, will be dealt with in the same manner and under the same regulations as in the case of similar vessels transported in sections by the Dyea route.

The Committee, on the recommendation of the Minister of Customs, advise that your Excellency be pleased to forward a certified copy of this Minute to Her Majesty's Ambassador to the United States for the information of the Secretary of State of the United States.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE,

Clerk of the Privy Council

No. 72.*Sir J. Pauncefote to the Marquess of Salisbury.—(Received April 11.)*

(No. 92.)

My Lord,

Washington, April 1, 1898.

WITH reference to the second and third paragraphs of my despatch No. 73 of the 18th ultimo, reporting the representations I had made at the request of the Governor-General of Canada respecting the delay in putting into effect at Dyea and Skagway the new bonding Regulations of the United States, I have the honour to report that I am this day in receipt of a note from the United States' Secretary of State, to the effect, that arrangements were made for putting the Regulations of the 2nd February last in force as soon as practicable, and that as the Treasury Department is advised that the Collector of Customs at Sitka has recently arrived Dyea, it is presumed that they are now in effect.

I have brought this reply to the knowledge of the Governor-General

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 73.

Foreign Office to Colonial Office.

Sir, *Foreign Office, April 13, 1898.*
 WITH reference to my letter of the 18th ultimo, respecting the issue of miners' certificates for the Klondike district, I am directed by the Secretary of State to transmit to you a copy of a despatch from Her Majesty's Ambassador at Washington,* inclosing a further note from the United States' Government on the same subject.

Sir J. Pauncefote states that copies of this note, as well as that of the 19th February, have been forwarded to the Governor-General of Canada, and I am to express the hope that an early answer will be given by the Canadian Government if this has not already been done.

I am, &c.
 (Signed) F. H. VILLIERS.

No. 74.

The Marquess of Salisbury to Sir J. Pauncefote.

(No. 74.) P. *Foreign Office, April 15, 1898.*
 (Telegraphic.)

WITH reference to your despatch No. 82 of the 26th ultimo.
 Telegram has been sent to Canada expressing hope that communication of decision of Canadian Government will soon be made.

No. 75.

Colonial Office to Foreign Office.—(Received April 16.)

Sir, *Downing Street, April 15, 1898.*
 I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letter of the 13th instant, with its inclosures, respecting the request of the United States' Government for the modification of the existing Regulations as to the issue of miners' certificates for the Klondike district, and to state, for the information of the Marquess of Salisbury, that a telegram has now been sent to the Governor-General of Canada expressing the hope that the decision of his Government in the matter will be communicated soon.

I am, &c.
 (Signed) H. BERTRAM COX.

No. 76.

Colonial Office to Foreign Office.—(Received April 18.)

Sir, *Downing Street, April 16, 1898.*
 I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letter of the 1st instant returning the draft of the telegram which it was proposed to address to the Governor-General of Canada respecting Sir J. Pauncefote's recent conversation with the Senator in charge of the Alaska Railway Bill.

The telegram, with the suggested alteration, was sent on the 2nd instant, and I am now to transmit to you, to be laid before the Marquess of Salisbury, paraphrase of a telegram which has been received from the Governor-General in reply, from which his Lordship will see that the Canadian Government deprecate any hasty action in regard to concessions to the United States in the matter of the routes to Yukon.

Mr. Chamberlain proposes, if Lord Salisbury agrees, to assure the Canadian Government that Her Majesty's Government contemplate taking no action without

consulting them; and I am to inclose, for his Lordship's concurrence, draft of a despatch to that effect.

A paraphrase of a private telegram from Lord Aberdeen is also inclosed, from which it appears that the Canadian Senate has rejected the Yukon District Railway Bill.

I am, &c.
(Signed) H. BERTRAM COX.

Inclosure 1 in No. 76.

The Earl of Aberdeen to Mr. Chamberlain.

(Telegraphic.) P.

[Undated.]

REFERRING to your telegram of the 2nd instant:

Before deciding on all-Canadian route, my Ministers had carefully considered building of railway from Lynn Canal. Commercially, the route from Lynn is preferable to all others, but the difficulty of obtaining bonding and other commercially indispensable privileges from United States' authorities determined choice of Canadian route. It appears that such commercial concessions would be made now; but there is still another consideration. My Government hold strongly that Canada must have a road available not only for commercial, but also for military and police, purposes. Unless permission previously granted by United States' authorities, Lynn route could not be used for taking troops in Yukon, whilst the character of the Yukon population requires a route available at any moment for conveyance of police and troops.

Your opinion that the Lynn route is advisable as an additional route has been noted by my Ministers, but the commercial superiority of that route would at once impair the value of the Canadian road.

It appears to my Government, therefore, that no hasty action should be taken.

Inclosure 2 in No. 76.

The Earl of Aberdeen to Mr. Chamberlain.

(Private and Confidential.)

(Telegraphic.) P.

[Undated.]

REFERRING to my telegram of to-day:

No definite action regarding Yukon Railway Bill rejected by Senate has been decided on by my Government. They seem to be disposed to allow the question to remain in abeyance.

Inclosure 3 in No. 76.

Draft of Despatch to the Earl of Aberdeen.

(Confidential.)

My Lord,

Downing Street, April , 1898.

I HAVE the honour to acknowledge the receipt of your telegram of the 10th instant respecting the question of the route for railway communication with the Yukon district.

In reply to the concluding sentence of this telegram, I shall be glad if you will inform your Ministers that Her Majesty's Government do not contemplate taking any diplomatic steps in the matter without their cognizance and concurrence.

I have, &c.

No. 77.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received April 20.)

(No. 49.)

(Telegraphic.) P.

Washington, April 20, 1898.

I HAVE suggested to the United States' Government the adoption of the provisional boundary-line between Alaska and Canadian territory, referred to in your Lordship's telegram No. 60, and am now informed by the Assistant Secretary of State that he believes that the United States will agree to it.

No. 78.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received April 21.)

(No. 99.)

My Lord,

Washington, April 8, 1898.

WITH reference to my despatch No. 36 of the 18th February last, transmitting correspondence as to the passage of an armed body of United States' troops through Canadian territory, to accompany the proposed Alaska relief expedition, I have the honour to forward herewith copy of a further note which I have received from the Acting Secretary of State, asking for permission for parties to pass through Canadian territory instead of the body of troops, for which permission had been granted.

I have forwarded a copy of Mr. Day's note to the Governor-General of Canada.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 78.

Mr. Day to Sir J. Pauncefote.

Excellency,

Department of State, Washington, April 6, 1898.

REFERRING to your note of the 17th February last, informing me that the Dominion Government are willing to permit United States' troops which are destined for places in Alaska beyond the 141st meridian, and are considered necessary for the protection of the relief expedition while in United States' territory, to pass through Canadian territory under certain conditions, I have the honour to state that, in view of reports received from the people in the interior of Alaska, and the uncertainty of reaching them with supplies of food before the opening of negotiations in the Yukon River, it has been decided to abandon the proposed relief expedition, and to utilize facilities which had been provided for them in making explorations, surveys, &c., in portions of territory west of the 141st meridian.

To this end it is desired to send two parties into the interior from the coast, and one expedition from the vicinity of Pyramid Harbour to Bell Isle on the Yukon, via the Dalton Trail and Dawson, North-west Territory, with a view to its making explorations southward and westward of Bell Isle and to its co-operation with the parties from the coast.

This party will be provided with a number of reindeer for transportation purposes, and it is especially desired to send it over the Dalton route, which is reported to be the only one practicable for reindeer at this season.

I have, therefore, the honour to request that you will kindly obtain the consent of the Dominion Government that this party be permitted to pass through its territory over the route named.

It is hoped that early action will be had in this matter, so that there may be no delay in starting the party, which, as now contemplated, will be composed of five non-commissioned officers, including one who acts as quartermaster, &c., and one assistant surgeon, twenty enlisted men, such guides as may be needed and employed, and about 380 reindeer with drivers.

I have, &c.

(Signed)

WILLIAM R. DAY,

Acting Secretary.

No. 79.

Sir J. Pouncefote to the Marquess of Salisbury.—(Received April 21.)

(No. 101.)

My Lord,

Washington, April 9, 1898.

WITH reference to my telegram No. 22 of the 26th ultimo, I have the honour to transmit to your Lordship herewith a copy of the *pro-memorid* which I delivered to the State Department, calling the attention of the United States' Government, in the sense indicated by your Lordship's telegram No. 22 of the 17th ultimo, to the Treaty right of Great Britain to the free navigation of the River Stikine through the territory of the United States, including the right of transshipment under proper regulations.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 79.

Pro-memorid.

THE attention of the Undersigned has been directed to the provisions of section 13 of Bill No. 660, H. R. 4975, now before Congress, entitled, "An Act extending the homesteads laws and providing for right of way for railroads in the district of Alaska and for other purposes," which deals with the grant of bonding and other privileges at Wrangel on the Stikine River, on certain conditions. The Bill is now in conference of the two Houses, and the time seems opportune to the Undersigned to express, on behalf of his Government, the hope that care will be taken not to introduce into the Bill any language which might be construed as a restriction of the Treaty right of Great Britain to the free navigation of the River Stikine through the territory of the United States including the right of transshipment under proper regulations.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Washington, March 26, 1898.

No. 80.

Sir J. Pouncefote to the Marquess of Salisbury.—(Received April 22.)

(No. 54.)

(Telegraphic.) P.

Washington, April 22, 1898.

I HAVE consulted the Assistant Secretary of State with regard to the inquiry contained in your Lordship's telegram No. 87, in the matter of the Alaska boundary. There is no objection to the proposed reply to the question of which notice has been given, nor to an additional statement that an arrangement is likely to be concluded at an early date for a *modus vivendi* at the Passes, pending the permanent settlement of the boundary question.

No. 81.

The Marquess of Salisbury to Sir J. Pouncefote.

(No. 87.)

(Telegraphic.) P.

Foreign Office, April 22, 1898.

A QUESTION will be asked in the House of Commons on Monday on the subject of the Alaska Boundary.

Have you been able to act on last sentence of my telegram No. 60 of 9th April? Would there be any objection to stating that the two Governments are considering the question of arbitration?

No. 82.

Colonial Office to Foreign Office.—(Received April 23.)

Sir, *Downing Street, April 22, 1898.*
 I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of copies of Sir J. Pauncefote's despatch No. 73 of the 18th ultimo, inclosing a Minute of the Canadian Privy Council respecting the new Bonding Regulations of the United States affecting the conveyance of goods and passengers passing through Alaska into Canadian territory, and relating to the number of United States' Inspectors authorized for the two Canadian Customs Stations on Chiloct and White Passes.

Mr. Chamberlain would suggest, for the consideration of the Marquess of Salisbury, that the action of Sir J. Pauncefote, in calling the attention of the United States' Government to these matters, as requested by the Dominion Government, should be approved.

I am, &c.
 (Signed) C. P. LUCAS.

No. 83.

Foreign Office to Colonial Office.

Sir, *Foreign Office, April 23, 1898.*
 WITH reference to the question, of which notice has been given in the House of Commons, respecting the Alaska Boundary, I am directed by the Secretary of State to inform you that, in reply to an inquiry made by telegraph, Her Majesty's Ambassador at Washington has reported, after consulting the State Department, that there is no objection to the proposed answer to the effect that the question of arbitration is under the consideration of the Governments of the United States and Great Britain, nor to an addition that there is good reason to believe that an agreement will shortly be concluded for a *modus vivendi* at the passes on the routes to the mining districts, pending a final adjustment of the boundary-line.

I am, &c.
 (Signed) F. H. VILLIERS.

No. 84.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received April 25.)

(No. 112.)

My Lord,

Washington, April 15, 1898.

WITH reference to my despatch No. 92 of the 1st instant respecting the United States' Bonding Regulations at Dyea and Skagway, I have the honour to transmit herewith copy of a note from the United States' Secretary of State, inquiring whether the Dominion Government intend to establish at or near Glenora (1) an officer authorized to issue miners' certificates, and (2) a Canadian Custom-house.

I have forwarded a copy of Mr. Sherman's note to the Governor-General of Canada.

I have, &c.
 (Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 84.

Mr. Sherman to Sir J. Pouncefote.

Excellency,

Department of State, Washington, April 13, 1898.

AT the instance of the Secretary of the Treasury, I have the honour to request you to do me the favour to ascertain whether it is the purpose of the Dominion of Canada to establish at or near Glenora (1) an officer authorized to issue miners' certificates; (2) a Canadian Custom-house.

The Department would be much pleased to receive an early reply to the above.

I have, &c.

(Signed) JOHN SHERMAN.

No. 85.

The Law Officers of the Crown to the Marquess of Salisbury.—(Received April 25.)

My Lord,

Royal Courts of Justice, April 23, 1898.

WE were honoured with your Lordship's commands signified in Mr. Villiers' letter of the 4th instant, transmitting to us the accompanying papers relating to the extent and character of the obligations which devolved on the United States' Government in consequence of their purchase of the territory of Alaska from Russia in 1867,* and requesting that your Lordship might be favoured with our opinion, as to whether in virtue of the Treaty of 1825 with Russia, as revived by the Treaty of 1859, Her Majesty's Government can still claim from the United States the right of navigating freely, without any hindrance whatever, all the rivers and streams which in their course towards the Pacific may cross the line of demarcation upon the strip of coast described in Article III of the former Treaty, and also as to the rights of this country, under Article XXVI of the Treaty of Washington, in regard to the free navigation of the Stikine, including the right of transshipment at Wrangel.

In obedience to your Lordship's commands we have taken the papers into our consideration, and have the honour to

Report—

That the terms of Article XXVI of the Treaty of 1871, make it difficult for Her Majesty's Government to base their claims to tranship goods at Wrangel upon rights given to Great Britain in the River Stikine by virtue of the Treaty of 1825, and for the purposes of that claim it does not appear to us to be material whether any right can be claimed under the latter Treaty.

The rights, conferred by the Treaty of 1825, were not, in our view, affected by the cession to the United States, inasmuch as Russia could cede only what she had.

In our opinion, however, the XXVIth Article of the Treaty of 1871 confers on Her Majesty's subjects the right of navigating the Stikine for commercial purposes, and the right of transshipment at Wrangel is an incident to the right of navigation, without which it would be useless. The United States can frame Regulations reasonably regulating the exercise of this right, but cannot impose any such conditions as are contained in the Bill before Congress. Free navigation, including transshipment, is a matter of right.

We have, &c.

(Signed)

RICHARD E. WEBSTER.
ROBERT B. FINLAY.

* Not printed.

No. 86.

Foreign Office to Colonial Office.

Sir,

Foreign Office, April 25, 1898.

WITH reference to your letter of the 16th instant on the question of railway communication with the Yukon mining district, I am directed by the Secretary of State to inform you that he concurs in the despatch which Mr. Secretary Chamberlain proposes to address to the Governor-General of Canada, stating that Her Majesty's Government do not contemplate taking any diplomatic steps in the matter without the cognizance and concurrence of the Canadian Government.

I am, &c.

(Signed)

F. H. VILLIERS.

No. 87.

The Marquess of Salisbury to Sir J. Pouncefote.

(No. 87.)

Sir,

Foreign Office, April 27, 1898.

I HAVE received your Excellency's despatch No. 73 of the 18th ultimo, inclosing a Minute from the Canadian Government with regard to the new Bonding Regulations of the United States at Dyea and Skagway, and the proposed employment of two United States' Inspectors at the Canadian Customs Stations in the Chilkoot Pass and the White Pass.

I have to inform you that Her Majesty's Government approve your having called the attention of the United States' Government to the facts stated in the Minute and to the measures desired by the Canadian Government.

I am, &c.

(Signed)

SALISBURY.

No. 88.

Sir J. Pouncefote to the Marquess of Salisbury.—(Received April 30.)

(No. 122.)

My Lord,

Washington, April 22, 1898.

I HAVE the honour to report that, upon receipt of your Lordship's telegram No. 60 of the 9th instant, on the subject of Alaska-Canadian Boundary, I handed a Memorandum to the United States' Secretary of State on the 18th instant, in the sense of your Lordship's instructions, relative to the provisional line proposed by the Dominion Government to be fixed at the watershed of the first summit north of Dyea.

A copy of the Memorandum is inclosed.

I have, &c.

(Signed)

JULIAN PAUNCEFOTE.

Inclosure in No. 88.

Memorandum.

IN view of the wide divergence of views existing on the subject of the Alaska-Canadian Boundary, the Dominion Government fear that the suggestion to proceed with the demarcation under the Convention of 1892 would lead to no result.

They are, however, prepared to agree that a provisional line should be fixed without prejudice to the claims of either party at the watershed of the first summit, north of Dyea. Such a provisional boundary would be at a distance of considerably more than 10 leagues from the coast.

Washington, April 18, 1898.

No. 89.

Foreign Office to Colonial Office.

Sir,

Foreign Office, May 5, 1898.

WITH reference to your letter of the 10th March respecting the rights of free navigation by British vessels of the Stikine and certain other rivers which enter the Pacific Ocean through United States' territory, and also to your letter of the 31st March on the subject of the transshipment of goods at Port Wrangel, I am directed by the Marquess of Salisbury to transmit to you, to be laid before Mr. Secretary Chamberlain, a copy of the reference in which these questions were submitted for the opinion of the Law Officers of the Crown,* and a copy of the Report which has been received from them on the subject.†

I am, &c.

(Signed) F. H. VILLIERS.

No. 90.

Sir J. Poncefote to the Marquess of Salisbury.—(Received May 6.)

(No. 125.)

My Lord,

Washington, April 26, 1898.

WITH reference to my despatch No. 38 of the 22nd February last and subsequent despatches relative to the desired modification of the Canadian Regulations for the issue of miners' certificates in the North-West Territory, I have the honour to transmit herewith copy of a Minute of the Canadian Privy Council, communicated to me by the Governor-General, from which it will be observed that steps have been taken by the Dominion Government to meet the wishes of the United States' Government, and that miners' certificates can now be procured at the Customs posts on the Skagway and Dyea routes to the Yukon district.

I have forwarded a copy of this Minute to the United States' Government.

I have, &c.

(Signed) JULIAN PONCEFOTE.

Inclosure in No. 90.

Extract from a Report of the Committee of the Honourable the Privy Council, approved by the Governor-General on the 13th April, 1898.

THE Committee of the Privy Council have had under consideration a despatch, hereto annexed, from the Right Honourable the Secretary of State for the Colonies, dated the 19th March 1898, in which Mr. Chamberlain expressed his desire to learn the decision of the Canadian Government upon the request of the United States' Government for the issue of mining certificates at the Dominion Customs posts on the routes from Skagway and Dyea to the Yukon district.

The Minister of the Interior, to whom the said despatch was referred, recommends that your Excellency be moved to inform the Right Honourable the Secretary of State for the Colonies that the request of the United States' Government has been acceded to, and such certificates can now be procured at the Customs posts referred to.

The Minister further states, with regard to the despatch of the 1st April, 1898, from Sir Julian Poncefote, in which it is stated that arrangements were made by the United States' authorities for putting their Regulations of the 2nd February in force as soon as practicable, and that it is presumed they are now in effect, which has also been referred to him, that his information is to the effect that these Regulations made upon the 2nd February, and now, therefore, more than two months old, are not now in effect, and there seems no possibility of ascertaining from the officials in charge when they are likely to be put into effect.

The Minister desires to call attention to the fact that arrangements looking to the early establishment of these Regulations were made unofficially by himself in the latter

part of December 1897. Since that time he, the Minister, has been constantly under the necessity of forwarding instructions to the officers of the Canadian Government beyond the summit of the passes, and, therefore, at more distant and inaccessible places than either Skagway or Dyea, and it has not in any case taken more than eighteen days to transmit instructions to these officers and to have them carried into effect, and, in view of this fact, the extraordinary and unexplained delay in putting into force the United States' Treasury Regulations of the 2nd February, 1898, is the more remarkable.

The Committee, on the recommendation of the Minister of the Interior, advise that your Excellency be moved to forward a certified copy of this Minute to Her Majesty's Ambassador to the United States, in order that the United States' Government may be induced to take such action as may be deemed necessary in the premises.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE,
Clerk of the Privy Council.

My Lord,

Downing Street, March 19, 1898.

I HAVE the honour to inform you that a copy of Mr. Sherman's note of the 19th ultimo, which was sent to you by Sir Julian Pauncefote, has been communicated to this Department by the Foreign Office.

I shall be glad to learn the decision of your Ministers on this request of the United States' Government for a modification of the Canadian Regulations, so as to provide for the issue of mining certificates at the Dominion Customs posts on the routes from Skagway and Dyea to the Yukon district.

I have, &c.
(Signed) J. CHAMBERLAIN.

Governor-General,
&c. &c. &c.

My Lord,

Washington, April 1, 1898.

WITH reference to your Excellency's despatch of the 10th instant, inclosing an approved Minute of the Privy Council respecting the delay in putting into effect at Dyea and Skagway the new bonded Regulations of the United States, I have the honour to transmit, herewith, copy of a note which I have this day received from the United States' Secretary of State.

Your Excellency will observe that in this note, Mr. Sherman states that the Collector of Customs at Sitka has recently visited Dyea, and that he presumes the Regulations of the 2nd February are now in effect.

At the end of the inclosed note, Mr. Sherman requests that an early reply may be sent to that part of his note of the 19th February, which was inclosed in my despatch to your Excellency of the 28th February.

I have reported to the Marquess of Salisbury the reply received from Mr. Sherman as to the delay respecting the bonded Regulations.

I have, &c.
(Signed) JULIAN PAUNCEFOTE.

Governor-General,
&c. &c. &c.

Excellency,

Department of State, Washington, March 31, 1898.

WITH regard to previous correspondence concerning Customs ports in Alaska, I have the honour to acknowledge the receipt of your note of the 17th instant, stating that the new bonded Regulations had not yet been put into effect at Dyea and Skagway on the ground that there was no accommodations for the Customs Inspectors at Chilkoot Pass and White Pass, and that while two such inspectors are required at the Canadian Customs stations at those points, the appointment of only one United States' Inspector had been authorized.

In reply, I beg to inform you that the Department has received a letter from the Secretary of the Treasury, of the 25th instant, stating that the arrangements were made for putting the Regulations of the 2nd February in force as soon as practicable, and that as the Treasury Department is advised that the Collector of



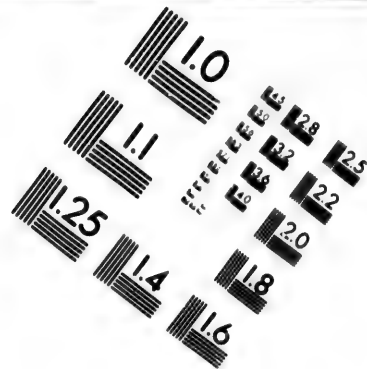
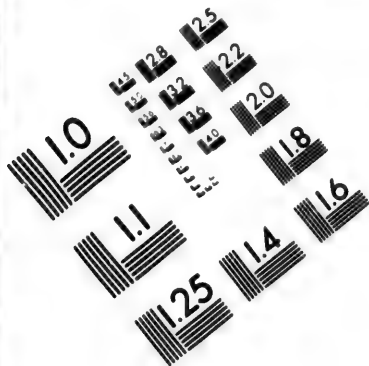
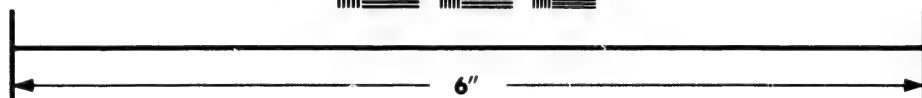
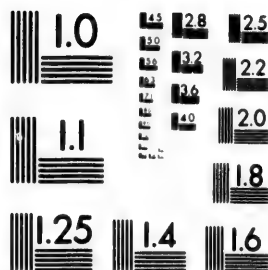


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Customs at Sitka has recently visited Dyea, it is presumed that they are now in effect. The Collector at Sitka has been authorized to appoint such inspectors as may be found necessary for the enforcement of the Regulations on each of the routes designated.

In this connection the Department, at the instance of the Secretary of the Treasury, begs to request the favour of an early reply to that part of its note of the 19th ultimo, which asks for a modification of the Canadian Regulations concerning the issue of miners' certificates as will enable persons crossing the passes from Dyea and Skagway to obtain them at points in the North-West Territory, easily accessible to such persons.

I have, &c.

(Signed) JOHN SHERMAN.

Sir J. Pauncefote,

&c.

&c.

&c.

No. 91.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received May 6.)

(No. 126.)

My Lord,

Washington, April 26, 1898.

WITH reference to your Lordship's telegram No. 61 of the 9th instant, respecting the request of the United States' Police to the Canadian police officers to cease exercising jurisdiction at the summits of the Chilkoot and White Passes and at Lake Lindeman, I have the honour to transmit, herewith, copy of a Memorandum which I delivered at the Department of State on the 20th instant.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 91.

Memorandum.

INFORMATION has been received by the Canadian Government that on March 20th the officer commanding the United States' troops at Dyea made an official request, in writing, to the Canadian police officer to cease exercising jurisdiction at the summits of the Chilkoot and White Passes and at Lake Lindeman.

Such a claim would be inconsistent with any reasonable construction of the Anglo-Russian Convention of 1825. No such claim had ever been made before, and the Undersigned has, therefore, been instructed to make a friendly representation on the subject, pointing out the extreme inconvenience of such action as that complained of being taken by local officers necessarily unacquainted with the present position of the controversy.

It is hardly possible that any arbitration could fix a line so unfavourable to Canada as the one thus claimed by the United States' local official, and it is most desirable that both Governments should work harmoniously in that region to preserve order and relieve distress.

(Signed)

JULIAN PAUNCEFOTE.

Washington, April 20, 1898.

No. 92.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received May 9.)

(No. 139.)

My Lord,

Washington, April 28, 1898.

I HAD the honour to report to your Lordship, in my despatch No. 119 of the 19th instant, that I had, on the receipt of your Lordship's telegram No. 69 of the 15th instant, communicated to the United States' Government the list of subjects proposed by the Dominion Government as proper to be dealt with at the preliminary discussion agreed to be held in Washington contemporaneously with that relating to the amendment of the Fur-seal Fishery Regulations. I informed the Governor-

General of my action, and at the same time I made inquiries as to the date upon which it would be convenient for the Canadian Delegates to proceed to Washington, mentioning that General Foster, who has been designated to represent the United States in the discussion, so far as it relates to the question of the Fishery Regulations, would be absent from the 29th instant until about the 10th of next month.

On the 22nd instant I received a telegram from the Earl of Aberdeen, suggesting a postponement of the discussion on the Fishery Regulation until after the return of General Foster to Washington. His Excellency added, however, that his Government "desired to press for the appointment of the General Commission to dispose of that and all other questions in controversy."

I thereupon ventured to point out to his Excellency that there had as yet been no agreement for a "General Commission," but only for a preliminary discussion, with a view to convening a formal Commission if a basis of arrangement should be arrived at. To this last communication I have as yet received no reply. But it is now announced in the press that the "Alaska Homestead and Railways Bill" (*vide* my despatch No. 53 of the 8th ultimo) has been altered in Conference of the two Houses, so as to provide for a Mixed Commission, appointed by the United States on the one hand, and by Great Britain and Canada on the other, to formulate a plan for the final settlement of the Atlantic fisheries question and of all other questions at issue between the Dominion and this country. I inclose an extract from to-day's "Washington Post," purporting to give an account of the new provision agreed upon in Conference.

This announcement would seem to explain Lord Aberdeen's reference to a General Commission, which I had at first supposed to be the result of a misunderstanding. The Canadian Government may probably have been in receipt of information in regard to the arrangement contemplated by the Conferences of the two Houses, and for that reason may desire to suspend action on the proposal, which I understood had been accepted by them, for a preliminary discussion on the subjects indicated in the list above referred to.

I have, &c
(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 92.

Extract from the "Washington Post" of April 28, 1898.

THE exclusive statement in the "Post" yesterday that in proposed legislation the friendly relations between the United States and Great Britain are to be formally announced to the world created considerable comment at the Capitol yesterday, and the fact was accepted with general favour.

As was shown yesterday, the friction which had been expected over the Klondike Regulations has been removed, mainly on account of the friendliness shown to this country by Great Britain in the war with Spain, and the Conference Report on the Alaskan Bill, in which the matter has been satisfactorily adjusted, will be read with great interest. The Report will be made to the House to-day, and its most important clause relates to the establishment of a Commission to deal with questions in dispute between this country and Great Britain and Canada. It reads as follows:—

"The President of the United States is hereby authorized to appoint three Commissioners to meet a like number of Commissioners appointed on the part of the Government of Great Britain and the Dominion of Canada, the said Commissioners to formulate and consider a plan for the settlement and final determination of the North Atlantic fishery question, and the ultimate adjustment of any other question the solution of which would further promote the friendly relations now existing between the two countries, in respect of mutual interests in trade and commerce on the American Continent, the findings of the said Commissioners to be reported for appropriate action to the President of the United States."

No. 93.

Sir J. Pouncefote to the Marquess of Salisbury.—(Received May 10.)

(No. 66.)

(Telegraphic.) P.

Washington, May 10, 1898.

WITH reference to my despatch No. 122 of 22nd April, I have the honour to inform your Lordship that in a note just received from the Secretary of State, the United States' Government concur in the proposal for a provisional demarcation of the boundary in the region about the head of Lynn Canal on the general plan suggested in my Memorandum.

They agree "that the boundary-line shall follow the summit of the watershed surrounding the head of Lynn Canal."

They propose that in three localities at least on this watershed, that is to say, at the summit of each of the three passes, two Commissioners to be respectively appointed by either Government shall mark definite points by the erection of suitable monuments.

They desire, however, that it be understood distinctly that no rights under existing Treaties for the ultimate adjustment of the boundary-line in question shall be affected by this arrangement.

Shall I communicate the above to the Governor-General of Canada?

No. 94.

Foreign Office to Colonial Office.

(Confidential.)

Sir,

Foreign Office, May 10, 1898.

WITH reference to your letter of the 14th ultimo respecting the proposed discussion at Washington of questions pending between Canada and the United States, I am directed by the Marquess of Salisbury to transmit to you a copy of a despatch from Her Majesty's Ambassador at Washington with regard to a proposal for a Mixed Commission for the adjustment of all such questions.*

A telegram has been received from Sir J. Pouncefote, dated the 8th instant, in which he states that the provision in the Alaska Bill for a Mixed Commission was adopted in the Conferences between the two Houses of Congress, but was subsequently held to be *ultra vires*, being a new subject not previously discussed in Congress. The clause has consequently been abandoned and another has been substituted granting bonding privileges at all Alaskan ports on condition of reciprocity being granted by the Canadian Government.

I am, &c.

(Signed) F. H. VILLIERS.

No. 95.

Sir J. Pouncefote to the Marquess of Salisbury.—(Received May 12.)

(No. 141.)

My Lord,

Washington, May 2, 1898.

WITH reference to my despatch No. 112 of the 15th instant, with which I transmitted copy of a note from the United States' Government inquiring whether it was the purpose of the Canadian Government to establish a custom-house at or near Glenora, with authority to issue miners' certificates, I have the honour to inclose copy of a Minute of the Canadian Privy Council (communicated to me by the Governor-General), stating that a Canadian Customs office has been established on the Stikine River, and that the Customs officer has been authorized to issue miners' certificates.

I have furnished the United States' Government with a copy of the Minute.

I have, &c.

(Signed) JULIAN POUNCEFOTE.

Inclosure in No. 95.

Extract from a Report of the Committee of the Honourable the Privy Council, approved by the Governor-General on the 20th April, 1898.

THE Committee of the Privy Council have had under consideration a despatch, hereto attached, from Her Majesty's Ambassador to the United States, transmitting a copy of a note from the United States' Secretary of State, inquiring whether it is the purpose of the Dominion Government to establish at or near Glenora (1) an officer authorized to issue miners' certificates, and (2) a Canadian custom-house.

The Minister of the Interior, to whom the said despatch and inclosure were referred, reports that a Canadian Customs office has been established on the Stikine River, and that the Customs officer has been authorized to issue miners' certificates.

The Committee advise that your Excellency be moved to forward a certified copy of this Minute to Her Majesty's Ambassador to the United States, for the information of the United States' Secretary of State.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE,
Clerk of the Privy Council.

No. 96.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received May 12.)

(No. 143.)

My Lord,

Washington, May 2, 1898.

WITH reference to my despatch No. 125 of the 26th ultimo, in which was inclosed copy of a Minute of the Canadian Privy Council signifying that miners' certificates can now be procured at the Customs ports on the Skagway and Dyea routes to the Yukon district, I have the honour to transmit to your Lordship herewith copy of a note from the Acting Secretary of State of the United States, expressing the gratification of his Government at the receipt of this information.

I have, &c.
(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 96.

Mr. Moore to Sir J. Pauncefote.

Excellency,

Department of State, Washington, April 28, 1898.

REFERRING to previous correspondence relative to the desired modification of the Canadian Regulations for the issue of miners' certificates in the north-west territory, I have the honour to acknowledge the receipt of your note of the 26th instant, which contains the gratifying intelligence that miners' certificates can now be procured at the Customs ports on the Skagway and Dyea routes to the Yukon district.

In this connection I beg to say that the Department has called the attention of the Secretary of the Treasury to the complaint of the Canadian Government in regard to the alleged delay that has occurred in bringing into force at Skagway and Dyea the United States' Bonding Regulations of the 2nd February last.

I have, &c.
(Signed) J. B. MOORE,
Acting Secretary.

No. 97.

Foreign Office to Colonial Office.

(Confidential.)

Sir,

Foreign Office, May 12, 1898.

WITH reference to my letter of the 14th April respecting the proposal for a provisional arrangement with regard to a portion of the Alaska boundary, I am directed by the Marquess of Salisbury to transmit to you a copy of a despatch from Her Majesty's Ambassador at Washington,* inclosing a copy of the Memorandum which he handed to the United States' Secretary of State on that subject.

Sir J. Pauncefote has since reported, in a telegram dated the 10th instant, that he has received a note from the United States' Government agreeing to the temporary demarcation of the boundary in the region about the head of the Lynn Canal on the general plan suggested in his Memorandum, viz., that the line should follow the summit of the watershed surrounding the head of the canal.

The United States' Government propose that two Commissioners should be appointed, one by each Government, in order to erect suitable monuments marking definite points on at least three localities on the watershed, viz., at the summit of each of the three passes. They desire, however, that it should be distinctly understood that this arrangement does not affect the rights under existing Treaties for the ultimate adjustment of the boundary-line.

Sir J. Pauncefote asks whether he may inform the Governor-General of Canada of the communication from the United States' Government.

Lord Salisbury presumes that Mr. Chamberlain would wish this to be done at once, and I am to suggest that Sir J. Pauncefote should also be instructed to inquire what steps the Canadian Government propose to take to carry out the delimitation.

I am, &c.

(Signed) F. H. VILLIERS.

No. 98.

Colonial Office to Foreign Office.—(Received May 13.)

(Confidential.)

Sir,

Downing Street, May 13, 1898.

IN reply to your Confidential letter of the 12th instant respecting the proposed provisional arrangement with regard to a portion of the Alaska boundary, I am directed by Mr. Secretary Chamberlain to request you to inform the Marquess of Salisbury that he concurs in the proposal to instruct Her Majesty's Ambassador at Washington to communicate to the Governor-General of Canada the note on this subject which he has received from the United States' Government, and to inquire what steps the Dominion Government propose to take with a view to carrying out the provisional delimitation.

I am, &c.

(Signed) H. BERTRAM COX.

No. 99.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received May 14.)

(No. 153.)

My Lord,

Washington, May 6, 1898.

IN continuation of my despatch No. 139 of the 28th ultimo, I have the honour to inform your Lordship that the Conference Report on the Alaska Homesteads, &c., Bill, recommending the insertion of a provision for the appointment of a Mixed Commission on the various questions at issue between Canada and the United States, was called up in the House of Representatives on the 2nd instant. Mr. Dingley (Chairman of the Ways and Means Committee) objected to the new provision on the ground that it was

not wise to intrust to a single Commission the consideration of the numerous and quite unconnected questions involved, and that the reference, which included matters connected with the trade relations between the two countries, might result in impairing the general scheme of the import tariff. He suggested the point of order that the Report introduced new matter which had not been in controversy between the two branches of Congress. The House accordingly rejected the Report, and new conferees were appointed. I inclose an extract from the "Congressional Record," giving an account of the proceedings.*

The Report of the new Conference was adopted by the Senate yesterday. Your Lordship will observe, from the accompanying extract from the "Congressional Record," giving the text of the Report,* that the provision relating to the appointment of a Mixed Commission is struck out, and that bonding privileges are accorded at all Alaskan ports in respect of goods in transit to Canadian territory, providing that corresponding privileges are granted by the Dominion Government.

The provision of the first Conference Report, granting to Canadian citizens the same mining privileges in Alaska as are enjoyed by United States citizens in British Columbia and North-West Territory, is retained. (Section 13.)

The new Report has not yet been considered by the House. I inclose, for convenience of reference, the text of the Bill as originally adopted by the Senate, with amendments.* The changes introduced by the second Conference Report in the last paragraph are indicated in red ink.

I have, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 100.

Colonial Office to Foreign Office.—(Received May 11.)

Sir, I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letter of the 5th instant, transmitting copy of a correspondence with the Law Officers of the Crown respecting the rights of free navigation by British vessels of the Stikine and other rivers which enter the Pacific Ocean through United States' territory, and the right of British subjects to tranship goods at Wrangel.

The Governor-General of Canada has been informed, confidentially, of the purport of the Law Officers' Report, in a despatch of which a copy is inclosed, and Mr. Chamberlain presumes that it will be communicated to Her Majesty's Ambassador at Washington.

I am to take this opportunity to inquire whether the Marquess of Salisbury has any information as to the progress of the negotiations for the appointment of a Joint International Commission.

I am, &c.
(Signed) H. BERTRAM COX.

Inclosure in No. 100.

Mr. Chamberlain to the Earl of Aberdeen.

(Confidential.)

My Lord,

I HAD the honour to inform you in my telegram of the 2nd ultimo respecting the Alaska Railway Bill, then before the United States' Senate, that Her Majesty's Government were consulting the Law Officers of the Crown as to whether the right of free navigation of the Stikine River carries with it the right of transhipment at Port Wrangel.

2. The Law Officers were asked to state whether, in virtue of the Treaty of 1825 with Russia, as revived by the Treaty of 1850, Her Majesty's Government can still claim the right of navigating freely, without any hindrance whatever, all the rivers and streams which in their course towards the Pacific Ocean may cross the line of demarcation upon the strip of coast described in Article III of the former Treaty, and also whether the rights of the United Kingdom under Article XXVI of the Treaty of

Washington, in regard to the free navigation of the Stikine, include the right of transshipment at Wrangel.

3. The Law Officers have now reported that, in their opinion, the rights conferred by the Treaty of 1825 were not affected by the cession of Alaska to the United States, inasmuch as Russia could cede only what she had, but that the terms of Article XXVI of the Treaty of 1871 make it difficult for Her Majesty's Government to base their claim to tranship goods at Wrangel upon rights given to Great Britain in the River Stikine by virtue of the Treaty of 1825.

4. They consider, however, that it is not material whether any right can be claimed under the Treaty of 1825, inasmuch as the XXVIth Article of the Treaty of 1871 confers on Her Majesty's subjects the right of navigating the Stikine for commercial purposes, and the right of transshipment at Wrangel is an incident to the right of navigation without which it would be useless.

5. Free navigation, including transshipment, being thus a matter of right, they hold that while the United States can frame Regulations reasonably regulating the exercise of the right of free navigation, they cannot impose any such conditions as are contained in the Alaska Railway Bill recently before Congress.

6. I shall be glad if you will confidentially inform your Ministers accordingly.

I have, &c.

(Signed) J. CHAMBERLAIN.

No. 101.

The Marquess of Salisbury to Sir J. Pouncefote.

(No. 102.)

(Telegraphic.) P.

Foreign Office, May 14, 1898, 2:15 P.M.

WITH reference to your telegram No. 66 of 10th May: Alaska boundary.

Communicate reply of United States' Government to Governor-General of Canada, and inquire at the same time what steps to carry out the delimitation it is proposed to take.

No. 102.

Sir J. Pouncefote to the Marquess of Salisbury.—(Received May 20.)

(No. 159.)

My Lord,

Washington, May 10, 1898.

WITH reference to my despatch No. 122 of the 22nd ultimo, and to my telegram No. 66 of this day's date, I have the honour to transmit herewith copy of a note from the United States' Secretary of State informing me that the United States' Government consent to the temporary demarcation of the boundary between Alaska and the British possessions in the region about the head of Lynn Canal on the general plan, suggested in my Memorandum of the 18th ultimo, copy of which formed the inclosure in my despatch No. 122.

The United States' Government propose that landmarks to define the provisional boundary should be erected at the three passes by two Commissioners to be appointed, one on each side.

Mr. Day adds that, in consenting to the temporary marking of the boundary-line in the method indicated, the United States' Government desire it to be distinctly understood, on the part of both Governments, that the arrangement is not to be construed as affecting in any manner rights under existing Treaties for the ultimate adjustment of the boundary-line in question.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 102.

Mr. Day to Sir J. Pouncefote.

Excellency,

Department of State, Washington, May 9, 1898.

REFERRING to your Memorandum of the 18th ultimo, regarding the marking of the boundary-line between Alaska and the British possessions, I have the honour to inform you that this Government consents to the temporary demarcation of

this boundary in the region about the head of Lynn Canal on the general plan suggested in your Memorandum, namely, that the boundary-line shall follow the summit of the watershed surrounding the head of Lynn Canal.

To accomplish this it is proposed that in at least three localities on this watershed, viz., at the summit of White Pass, at the summit of Chilcoot Pass, and at the summit of Chilkat Pass, suitable monuments be placed to mark definite points in the boundary thus temporarily defined. It is suggested that these monuments be placed by two Commissioners, one chosen on the part of the United States and the other on the part of Her Majesty's Government.

In consenting to the temporary marking of the boundary-line in the method just indicated, this Government desires it to be distinctly understood, on the part of both Governments, that this arrangement is not to be construed as affecting in any manner rights under existing Treaties for the ultimate consideration and establishment of the boundary-line in question.

I have, &c.

(Signed) W. R. DAY.

No. 103.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received May 23.)

(No. 163.)

My Lord,

Washington, May 13, 1898.

WITH reference to your Lordship's telegram No. 16 of the 2nd March last, and to subsequent correspondence relative to the concession of transhipment and bonding privileges at Fort Wrangel in respect of merchandize shipped to Canadian territory via the Stikkeen River, I have the honour to transmit to your Lordship herewith copies of a Treasury Circular issued on the 9th instant, embodying Regulations for the navigation of the Stikkeen River.*

These Regulations are practically identical with those governing the navigation of the Yukon and Porcupine, copies of which accompanied my despatch No. 22, Commercial, of the 11th February last, and the bonding and transhipment privileges now conceded at Wrangel are similar to those hitherto enjoyed at St. Michael.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 104.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received May 30.)

(No. 176.)

My Lord,

Washington, May 19, 1898.

WITH reference to my despatch No. 153 of the 6th instant, in which I had the honour to inform your Lordship that the provision for the Mixed Commission for a general settlement of Canadian questions, had been dropped from the Bill extending the homestead laws, and providing for rights of way, &c., in Alaska, I have now the honour to transmit to your Lordship the Act as approved, and to call your Lordship's attention to sections 13 and 14, which confirm the authority of the Secretaries of the Interior, and of the Treasury to grant respectively, on conditions of reciprocity, mining and bonding privileges in Alaska to Canadian citizens.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 104.

Extract from "An Act Extending the Homestead Laws, and providing for Right of Way for Railroads in the District of Alaska, and for other purposes."

SECTION 13. That native born citizens of the Dominion of Canada shall be accorded in said district of Alaska the same mining rights and privileges accorded to citizens of the United States in British Columbia and the north-west territory by the laws of the Dominion of Canada or the local laws, rules, and regulations; but no greater rights shall be thus accorded than citizens of the United States or persons who have declared their intention to become such, may enjoy in said District of Alaska; and the Secretary of the Interior shall from time to time promulgate and enforce rules and regulations to carry this provision into effect.

Sect. 14. That under rules and regulations to be prescribed by the Secretary of the Treasury, the privilege of entering goods, wares, and merchandise in bond, or of placing them in bonded warehouses at any of the ports in the district of Alaska, and of withdrawing the same for exportation to any place in British Columbia, or the north-west territory, without payment of duty, is hereby granted to the Government of the Dominion of Canada, and its citizens or citizens of the United States, and to persons who have declared their intention to become such whenever, and so long as it shall appear to the satisfaction of the President of the United States, who shall ascertain and declare the fact by proclamation, that corresponding privileges have been, and are being granted by the Government of the Dominion of Canada in respect of goods, wares, and merchandise passing through the territory of the Dominion of Canada to any point in the District of Alaska from any point in said district.

Approved, May 14, 1898.

No. 105.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received June 6.)

(No. 180.)

My Lord,

Washington, May 24, 1898.

WITH reference to my despatch No. 99 of the 8th ultimo, to the effect that the United States' Government had applied to the Dominion Government to permit the passage of an expedition from Pyramid Harbour to Bell Isle on the Yukon via the Dalton Trail, in the place of the abandoned relief expedition to Dawson, I have now the honour to transmit to your Lordship copy of an approved Minute of the Canadian Privy Council granting the required permission.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 105.

Extract from a Report of the Committee of the Honourable the Privy Council, approved by the Governor-General on the 16th May, 1898.

THE Committee of the Privy Council have had under consideration a despatch, hereto annexed, dated the 8th April, 1898, from Her Majesty's Ambassador to the United States, in which it is stated that the United States' Acting Secretary of State, Mr. Day, has informed Her Majesty's Ambassador that the United States' Alaska Relief Expedition has been abandoned, and that it has been decided to utilize facilities provided for the said expedition in making exploration surveys, &c., in the territory west of the 141st meridian.

The Minister of the Interior, to whom the said despatch was referred, observes that to that end the request is made that permission may be granted for the passage of one exploration party from the vicinity of Pyramid Harbour to Bell Isle on the Yukon by the Dalton Trail and Dawson City, and with a view to its co-operation with two parties which it is desired to send into the interior from the coast, to which request he sees no objection, and recommends that permission be granted accordingly.

The Committee advise that your Excellency be moved to transmit a certified copy of this Minute to Her Majesty's Ambassador to the United States.

All of which is respectfully submitted for your Excellency's approval.

(Signed)

JOHN J. MCGEE,

Clerk of the Privy Council.

No. 106.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received June 28.)

(No. 204.)

My Lord,

Washington, June 12, 1898.

I HAVE the honour to transmit herewith copies of Regulations which have been issued by the United States' Secretary of the Treasury concerning the navigation of the Yukon and Porcupine Rivers between Dawson and Rampart.

I have furnished copies of the inclosed Regulations to the Governor-General of Canada.

I have, &c.

(Signed)

JULIAN PAUNCEFOTE.

Inclosure in No. 106.

Navigation of the Yukon and Porcupine Rivers between Dawson and Rampart.

Treasury Department, Office of the Secretary,

Washington, D.C., June 6, 1898.

To Collectors of Customs and others:

THE attention of Collectors of Customs and others is directed to the following Regulations concerning the navigation of the Yukon and Porcupine Rivers between Dawson and Rampart:—

1. A vessel from Dawson or Rampart, and destined by way of the Yukon and Porcupine Rivers through Alaska for another place in the North-west Territory, shall report at the sub-port nearest the point at which such vessel shall enter the waters of the United States, there pay tonnage dues and other legal charges, and enter as prescribed by section 3,100 of the Revised Statutes, as amended by the Act approved 17th February, 1898.

2. The Deputy-Collector of Customs at such sub-port shall then issue a special permit for such vessel to proceed in compliance with the provisions of the Act of 17th February, 1898, to the sub-port nearest to the point at which it is about to depart from the waters of the United States.

3. Such vessel shall come to and report at the sub-port nearest the point at which it is about to depart from the waters of the United States, and upon satisfying the Deputy-Collector of Customs that it has complied with the Laws and Regulations may clear to its destination.

4. These Regulations shall not be construed to deprive an American vessel of any of the privileges of the coasting trade to which it is entitled by law, and shall be deemed supplementary to Department Circulars, No. 23, Division of Customs, and No. 24, Bureau of Navigation, dated 2nd February, 1898.

5. Until other sub-ports have been established on the Porcupine River and on the Upper Yukon, the report subsequent to entry into the waters of the United States, and prior to departure therefrom, prescribed above, may both be made at Circle city. Such sub-ports will be established, however, as soon as practicable.

Act of 17th February, 1898.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that no merchandize shall be transported by water under penalty of forfeiture thereof from one port of the United States to another port of the United States, either directly or via a foreign port, or for any part of the voyage, in any other vessel than a vessel of the United States. But this section shall not be construed to prohibit the sailing of any foreign vessel from one to another port of the

United States: Provided, that no merchandize other than that imported in such vessel from some foreign port which shall not have been unladen shall be carried from one port or place in the United States to another.

Section 2. That section 8 of "An Act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, owners of vessels, and for other purposes," approved 19th June, 1886, is hereby amended to read:—

"Section 8. No foreign vessel shall transport passengers between ports or places in the United States, either directly or by way of a foreign port, under a penalty of 200 dollars for each passenger so transported and landed."

Section 3. Whenever merchandize is imported into the United States by sea for immediate exportation to a foreign port by sea, or by a river, the right to ascend or descend, which for the purposes of commerce is secured by Treaty to the citizens of the United States, and the subjects of a foreign Power, the Secretary of the Treasury is hereby authorized to prescribe Regulations for the transshipment and transportation of such merchandize.

Section 4. That section 3,109 of the Revised Statutes is hereby amended to read:—

"Section 3,109. The master of any foreign vessel laden or in ballast arriving, whether by sea or otherwise, in the waters of the United States from any foreign territory adjacent to the northern, north-eastern, or north-western frontiers of the United States, shall report at the office of any Collector or Deputy-Collector of the Customs, which shall be nearest to the point at which such vessel may enter such waters, and such vessel shall not transfer her cargo or passengers to another vessel, or proceed farther inland, either to unlade or take in cargo, without a special permit from such Collector or Deputy-Collector, issued under and in accordance with such general or special Regulations as the Secretary of the Treasury may, in his discretion, from time to time prescribe. This section shall also apply to trade with or through Alaska. For any violation of this section such vessel shall be seized and forfeited."

Section 5. This Act shall take effect one month after its passage.

(Signed)

O. L. SPAULDING,

Assistant Secretary.

No. 107.

Colonial Office to Foreign Office.—(Received July 6.)

Sir,

Downing Street, July 5, 1898.

I AM directed by Mr. Secretary Chamberlain to transmit to you, to be laid before the Marquess of Salisbury, copy of a despatch from the Governor-General of Canada, covering copy of an approved Minute of the Dominion Privy Council, in which his Ministers request that facilities may be afforded to Mr. W. F. King, whom they have deputed to search in London and St. Petersburg for maps and documents relating to the Convention entered into by Great Britain with Russia in 1825, with a view to the establishment of the Canadian Case in connection with the Alaska Boundary question.

Mr. Chamberlain has no doubt that the Foreign Office will render Mr. King every assistance in this matter, and that if he should find it necessary to proceed to St. Petersburg, Lord Salisbury will instruct Her Majesty's Ambassador there to furnish him with any facilities he properly can.

I am to point out that the subject of the second paragraph of Lord Aberdeen's despatch and his Minister's Minute appears to have been already disposed of, at least in part, by the correspondence which terminated with your letter of the 12th May last.

I am, &c.

(Signed)

H. BERTRAM COX.

Inclosure 1 in No. 107.

The Earl of Aberdeen to Mr. Chamberlain.

Sir,

Government House, Ottawa, Canada, June 8, 1898.

I HAVE the honour to transmit to you copy of an approved Minute of the Privy Council stating that in order that the Government of Canada may be in a position to properly support their case with respect to the boundary-line between Canada and Alaska, it is requisite that a thorough search be made both in London and St. Petersburg for maps and documents relating to the Convention entered into between Great Britain and Russia in 1825, and that Mr. W. F. King, Commissioner under the Convention of 1892, be deputed to proceed at once to London and St. Petersburg to procure the documents required.

It will be observed that copies of the official documents and maps, or of such of them as relate to the surveys made and monuments planted by the several Boundary Commissions along the southern boundary of Canada, are needed for the purpose of dealing with international boundary questions, and that this matter can be attended to by Mr. King while he is in London.

My Ministers request that facilities may be afforded Mr. King for prosecuting his researches.

I have, &c.

(Signed) ABERDEEN.

Inclosure 2 in No. 107.

Extract from a Report of the Committee of the Honourable the Privy Council, approved by the Governor-General on the 3rd June, 1898.

ON a Report, dated the 28th May, 1898, from the Minister of the Interior, stating that, in order that the Government of Canada may be in a position to properly support their case with respect to the boundary-line between Canada and Alaska, it is, in his judgment, requisite that a thorough search be made both in London and St. Petersburg for maps and documents relating to the Convention entered into between Great Britain and Russia in 1825, and that Mr. W. F. King, Commissioner under the Convention of 1892, being fully conversant with this boundary question in all its phases, is the best person to make this search.

The Minister further states that copies of the official documents and maps, or of such of them as relate to the surveys made and monuments planted by the several Boundary Commissions along the southern boundary of Canada, are needed for the purpose of dealing with international boundary questions, and that this matter can profitably be attended to by Mr. King while he is in London on the business previously mentioned.

The Minister therefore recommends that Mr. King be sent at once to London and St. Petersburg to procure the documents required, with authority to employ such clerical assistance as may be necessary.

The Committee concurring, advise that your Excellency be moved to inform Her Majesty's Government of the object of Mr. King's mission, with a request that he be afforded facilities for prosecuting his researches.

All which is respectfully submitted for your Excellency's approval.

(Signed)

H. G. LA MOTHE,
Assistant Clerk of the Privy Council.

No. 108.

Colonial Office to Foreign Office.—(Received July 7.)

Sir,

Downing Street, July 6, 1898.

WITH reference to the letter from this Department of the 5th instant, I am directed by Mr. Secretary Chamberlain to request you to inform the Marquess of Salisbury that Mr. W. F. King has not been able to undertake the work of searching
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for maps and documents relating to the Convention of 1825 between Great Britain and Russia, and that the Canadian Government have deputed M. Otto J. Klotz, of the Department of the Interior, to act in his stead.

M. Klotz is now in London, and Mr. Chamberlain will be glad if the Foreign Office will afford him the facilities which the Dominion Government requested for Mr. King.

I am, &c.

(Signed) H. BERTRAM COX.

No. 109.

Foreign Office to Colonial Office.

Sir,

Foreign Office, July 11, 1898.

WITH reference to your letters of the 5th and 7th instant respecting the researches which are being made on behalf of the Canadian Government in connection with the Alaska boundary question, I am directed by the Marquess of Salisbury to state that his Lordship will be happy to send instructions to Her Majesty's Ambassador at St. Petersburg to render every assistance to M. Klotz as soon as he is informed of the date on which that gentleman proposes to proceed to Russia.

I am, &c.

(Signed) F. H. VILLIERS.

No. 110.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received July 14.)

(No. 91.)

(Telegraphic.) P.

New London, Connecticut, July 14, 1898.

WITH reference to your Lordship's telegram No. 102 of the 13th May last, I have the honour to report that I have received a reply from the Governor-General of Canada on the subject of the provisional delimitation of the Alaska Boundary, inclosing a Minute of the Canadian Privy Council of the 27th June, in which objection is taken to the terms in which the United States' Government have accepted the Canadian proposal. I communicated to your Lordship in my despatch No. 159 of the 10th May, the note of the United States' Government accepting that proposal.

Lord Aberdeen has forwarded a copy of the Minute to the Colonial Office. If the two Governments should be so disposed the difference might be referred to the Joint Commission.

I shall await your Lordship's instructions before taking further action.

No. 111.

Foreign Office to Colonial Office.

(Confidential.)

Sir,

Foreign Office, July 15, 1898.

WITH reference to my letter of the 3rd June, inclosing a copy of a despatch from Her Majesty's Ambassador at Washington on the subject of the proposed demarcation of a portion of the Alaska boundary, I am directed by the Marquess of Salisbury to state that his Excellency has asked, by telegraph, for further instructions in view of the Minute of the Canadian Privy Council, objecting to the terms in which the proposal has been accepted by the United States' Government.

Sir Julian Pauncefote states that a copy of that Minute, which is dated the 27th ultimo, has been forwarded to Mr. Secretary Chamberlain, and his Excellency suggests that the two Governments may, perhaps, be disposed to refer the difference to the Joint Commission.

I am to inquire what answer should be returned to Sir Julian's telegram.

I am, &c.

(Signed) F. H. VILLIERS.

No. 112.

The Marquess of Salisbury to Sir J. Pauncefote.

(No. 124.)

(Telegraphic.) P.

Foreign Office, July 19, 1898.

ALASKA boundary.

Referring to your telegram No. 9 of the 14th July.

Propose to United States' Government that the question of fixing a provisional boundary should be left to the Joint Commission, and that the officers on both sides at the head of Lynn Canal should be instructed not to advance beyond the positions they now hold.

No. 113.

The Marquess of Salisbury to Mr. Goschen.

(No. 156.)

Sir,

Foreign Office, July 22, 1898.

I HAVE to inform you that Mr. Otto J. Klotz, a member of the Canadian Department of the Interior, has been deputed by the Government of the Dominion to proceed to St. Petersburg to search for maps and documents relating to the Convention between Great Britain and Russia of 1825, with a view to the establishment of the Canadian Case in connection with the Alaska boundary question. Mr. Klotz leaves England to-morrow for St. Petersburg, and you should endeavour to obtain facilities to enable him to prosecute the necessary researches, and generally render him all such assistance as you properly can for the successful accomplishment of his mission.

I am, &c.

(Signed) SALISBURY.

No. 114.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received July 23.)

(No. 225.)

My Lord,

New London, Connecticut, July 12, 1898.

I HAVE the honour to transmit to your Lordship herewith copy of a Minute of the Canadian Privy Council on the subject of reciprocal bonding privileges under recent Act of Congress, relating to Alaska, of which a copy was transmitted to your Lordship in my despatch No. 176 of the 30th May last.

In accordance with a desire of his Excellency the Governor-General of Canada, I have notified the United States' Government that reciprocal bonding privileges will be granted by the Canadian Government; and that, as I have been requested to take steps to secure the adoption of Regulations which shall be mutually satisfactory, I have asked to be favoured with the views of the United States' Government on the subject.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 114.

Extract from a Report of the Committee of the Honourable the Privy Council, approved by the Governor-General on the 27th June, 1898.

THE Committee of the Privy Council have had under consideration a Colonial Office despatch, hereto annexed, dated the 25th May last, containing copy of a letter from the Foreign Office, dated the 10th May last, to the Colonial Office, inclosing copy of a despatch from Her Majesty's Ambassador to the United States, referring amongst other things to the contents of the Bill lately passed by the Congress of the United States granting bonding privileges at all Alaskan ports to British subjects, on condition

of reciprocal bonding privileges being granted to citizens of the United States in respect of the passage of goods from one point of Alaska to another point in Alaska.

The Committee, on the recommendation of the Minister of the Interior, to whom the despatch in question was referred, advise that your Excellency be moved to forward a certified copy of this Minute to Her Majesty's Ambassador to the United States, with a view to notifying the Government of the United States that reciprocal bonding privileges will be granted by the Canadian Government, and to secure the adoption of the Regulations which will be mutually satisfactory.

All of which is respectfully submitted for your Excellency's approval.

(Signed)

JOHN J. MCGEE,

Clerk of the Privy Council.

No. 115.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received August 1.)

(No. 235.)

My Lord,

New London, Connecticut, July 20, 1898.

WITH reference to my despatch No. 159 of the 10th May last, transmitting a note of the 9th of that month from the United States' Secretary of State concerning the temporary demarcation of the boundary between Alaska and the British possessions in the region about the head of Lynn Canal, I have the honour to forward herewith copies—

1. Of an approved Minute of the Canadian Privy Council of the 27th June last, embodying the observations of the Canadian Minister of the Interior, to whom the *pro-memorandum* which I handed to the Department of State on the 15th April last (see my despatch No. 122 of the 22nd April) had been referred.

2. Of an approved Report of a Committee of the Privy Council referred to in the above Minute.

I have now the honour to inclose copy of a note which I have this day addressed to the Secretary of State, in accordance with the instructions contained in your Lordship's telegram No. 124 of the 19th instant, proposing to the United States' Government that the United States' and Canadian officers respectively stationed at the head of the Lynn Canal should be instructed not to advance beyond the positions at present occupied by them, and, further, that the question of the provisional boundary-line should be reserved for adjustment by the Joint Commission.

I have, &c.

(Signed)

JULIAN PAUNCEFOTE.

Inclosure 1 in No. 115.

Extract from a Report of the Committee of the Honourable the Privy Council, approved by the Governor-General on the 27th June, 1898.

THE Committee of the Privy Council have had under consideration a despatch, hereto attached, dated the 14th May, 1898, from his Excellency Her Majesty's Ambassador at Washington, transmitting herewith a copy of a *pro-memorandum* which, under instructions from the Marquess of Salisbury, he delivered to the United States' Secretary of State on the 18th April, 1898, respecting a provisional delimitation of the Alaska boundary in the region of the Lynn Canal, and copy of a note which he received from Mr. William R. Day in reply.

The Minister of the Interior, to whom the matter was referred, submits that the proposition of the United States' Government, as stated therein, differs from the proposition set forth on behalf of Canada by order of your Excellency on the 28th March, 1898, in certain important particulars. This proposition was that, pending the settlement of the boundary question, and as to the territory traversed by the mountain passes which lead from Taiya Inlet, each Government shall remain in possession of the territory now actually occupied by it, and that, for this purpose, a line drawn at the summit of the passes, or the water-shed between the rivers flowing into Taiya Inlet, and the tributaries flowing into the Yukon River, would be satisfactory to Canada.

The Minister submits that it is to be observed that the United States' proposition,

as communicated by Secretary Day to Sir Julian Pauncefote, substitutes "Lynn Canal" for Taiya Inlet." Accordingly, Secretary Day, while acceding to the Canadian proposition to place the provisional line at the Taiya summit, proposes to apply the principle of the watershed range between rivers flowing into Lynn Canal and rivers flowing into the Yukon River to the route commonly called the Dalton Trail, which leads from the head of Chilkat Inlet. The effect of this will be to place the boundary-line much more than 10 marine leagues from the nearest salt water, whereas, under the terms of the Convention between Great Britain and Russia of 1825, and of that between the United States and Russia of 1867, the United States, even if it be admitted that the coast spoken of in those Conventions is the shore-line or inlets (a claim which, however, is not admitted by Canada), can have no claim to any territory beyond 10 leagues from salt water. Moreover, Canada is at the present time in effective possession of a portion of the territory on the seaward side of the summit of the Chilkat passes by a mounted police post and Customs-house on a tributary of the Chilkat River.

The Minister suggests as a suitable and natural unmistakable feature for a provisional boundary on the Chilkat route, for the purpose of avoiding conflicts of jurisdiction, but without prejudice to the rights of either party when the boundary question is finally determined, the junction of the Klahula (otherwise called Klehmini) River with the Chilkat River.

The Minister states that as regards the marking of this point, as well as of the summits of the Chilkoot and White Passes, it does not appear that it is necessary that Commissioners should be appointed. The officers of the Governments on the spot, either the Customs officers, or the military or mounted police officers, could arrange the matter, planting posts if necessary, in as satisfactory a manner as could Commissioners specially appointed.

The Committee advise that your Excellency be moved to forward a certified copy of this Minute to Her Majesty's Secretary of State for the Colonies, and also to Her Majesty's Ambassador at Washington.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE,
Clerk of the Privy Council.

Inclosure 2 in No. 115.

Extract from a Report of the Committee of the Honourable the Privy Council, approved by the Governor-General on the 28th March, 1898.

THE Committee of the Privy Council have had under consideration a despatch, hereto annexed, dated the 8th March, 1898, from the Right Honourable Mr. Chamberlain, marked Secret, in which the proposition is made that Commissioners should be appointed under Article I of the Convention of the 22nd July, 1892, to consider and establish the boundary-line between Alaska and British Columbia, the Commissioners to be intrusted in the first instance to define a provisional boundary in the Lynn Canal region.

The Minister of the Interior, to whom the despatch was referred, submits that, in his judgment, such action would be open to grave objection for the following reasons:—

1. Article I of the Convention of 1892 contemplates a permanent and final, not a provisional, delimitation of the boundary-line. The provisional line when marked out would acquire no validity from the fact that it had been marked out under the Convention; an agreement between the Governments would be necessary to make it valid. Nor would it have moral force towards securing such agreement as would a permanent line agreed upon by Commissioners acting under the same provisions of the Convention. An agreement between Her Majesty's Ambassador at Washington and the Government of the United States to adopt a temporary line for the purposes of administration would secure all that is necessary at the present juncture to avoid conflict of jurisdiction.

2. The assent of the Government of Canada to an arrangement whereby Commissioners, appointed under a Convention which purports to aim at establishing a permanent line in accordance with the boundary Treaties in regard to it, should establish a provisional line, might be construed into an admission on the part of Canada that the line described in those Treaties is inconsistent with the topographical features of the region and therefore impracticable. The Government of Canada, on the other

hand, has always held that it is quite practicable to survey and mark out the boundary in strict accordance with the Treaty description.

3. In order to make plain the fact that the description of the line in the Treaties is not inconsistent with the topographical features of the region, and to resolve existing differences of interpretation of the Treaties, it appears essential that the line be considered as a whole. The determination of a part of it in accordance with local topographic conditions may defeat this object.

The Committee, on the recommendation of the Minister of the Interior, advise that your Excellency be moved to inform the Right Honourable Her Majesty's Principal Secretary of State for the Colonies that the Government of Canada is unwilling, for the reasons stated, to agree to the determination of a provisional line under the Convention of 1892, but that this Government sees no objection to a provisional arrangement with the United States' Government, whereby, pending the settlement of the boundary question and as to the territory traversed by the mountain passes which lead from Taiya Inlet, each Government shall remain in possession of the territory now actually occupied by it, and that, for this purpose, a line drawn at the summit of the passes or the watershed between the rivers flowing into Taiya Inlet and the tributaries of the Yukon River, would be satisfactory to Canada.

All of which is respectfully submitted for your Excellency's approval.

(Signed)

JOHN J. MCGEE,

Clerk of the Privy Council.

Annex (A).

Mr. Chamberlain to the Earl of Aberdeen.

(Secret.)

March 8, 1898.

ALASKA boundary.

With reference to my telegram of the 24th ultimo, Sir Julian Pauncefote reports that Government of United States is anxious that the demarcation of the provisional boundary in locality indicated be proceeded with, without prejudice to the rights of either party as finally ascertained, but that a new Convention, which the Senate, as at present constituted, would certainly oppose, would be required by the proposed arbitration; they therefore suggest proceeding at once under Article I of the Convention of the 22nd July, 1892, and that two Commissioners, who should endeavour in the first place to agree on provisional line, as mentioned above, should be employed.

Imperial Government propose to agree, and they would be glad, if Canadian Government concur, if they would name a Commissioner at once.

(Signed) J. CHAMBERLAIN.

Inclosure 3 in No. 115.

Sir J. Pauncefote to Mr. Day.

Sir,

New London, Connecticut, July 20, 1898.

WITH reference to the proposal respecting the adoption of a provisional line of delimitation of the Alaska boundary, in the region of the Lynn Canal, without prejudice to the rights of either Government, I have the honour to inform you that I did not fail, immediately on receipt of your note of the 9th May last, to transmit a copy of it to the Governor-General of Canada, who has since been in communication with Her Majesty's Government on the subject.

It appears that the arrangement which the Dominion Government have had in contemplation is that, pending the settlement of the boundary question and as to the territory traversed by the mountain passes which lead from Taiya Inlet, each Government should remain in possession of the territory now actually occupied by it, and that, for this purpose, a line should be drawn at the summit of the passes or the watershed between the rivers flowing into Taiya Inlet and the tributaries of the Yukon River. This would be satisfactory to them.

They observe, however, that while your note above referred to places the provisional line at the Taiya summit, it proposes to apply the principle of the watershed range, between rivers flowing into the Lynn Canal and rivers flowing into the Yukon River,

to the route commonly called the Dalton trail, which leads from the head of Chilkat Inlet.

The effect of this would be to place the boundary-line much further inland than the Canadian Government consider reasonable under the circumstances. In view of this objection on the part of the Canadian Government, I have been instructed by the Marquess of Salisbury to propose to you, without going further into the merits of the case at present, that the United States' and Canadian officers respectively stationed at the head of the Lynn Canal should be directed not to advance beyond the positions at present occupied by them, and that the provisional boundary-line should be referred to the Joint Commission at Quebec for adjustment.

Hoping that the above suggestions will meet with the approval and concurrence of your Government, I have, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 116.

Acting Consul-General Moore to the Marquess of Salisbury.—(Received September 24.)

(No. 35.)

My Lord,

San Francisco, August 22, 1898.

I HAVE the honour to inform your Lordship that the American steamer "Humboldt" left this port on the 20th instant, bound for St. Michael, Alaska, with Battery A, of the Third United States' Artillery on board. The battery consists of 225 men, who are said to be thoroughly equipped for a long stay in the north. The soldiers are to be conveyed up the Yukon River, to man the various forts to which they have been detailed.

I have, &c.

(Signed) WELLESLEY MOORE.